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SERIES II No. 42

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are four Extraordinary issues to the Official Gazette, Series II No. 41 dated 12-1-2012 as follows:-

- 1) Extraordinary dated 12-1-2012 from pages 921 to 922 regarding Order from Department of Home (Home—General Division).
- 2) Extraordinary (No. 2) dated 16-1-2012 from pages 923 to 928 regarding Order from Department of Elections (Office of the Chief Electoral Officer) and Notification from Department of Home (Home—General Division).
- 3) Extraordinary (No. 3) dated 17-1-2012 from pages 929 to 934 regarding Direction & Notifications from Department of Elections (Office of the Chief Electoral Officer).
- 4) Extraordinary (No. 4) dated 18-1-2012 from pages 935 to 936 regarding Notifications from Department of Elections (Office of the Chief Electoral Officer).

GOVERNMENT OF GOA

Department of Co-operation

Office of the Asstt. Registrar of Co-operative Societies

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Lairaee Self Help Group Co-op. Society Ltd., Madhla Wada, Shirgao, Bicholim-Goa has been registered under code symbol No. GEN-(c)-100/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 1st December, 2011.

Certificate of Registration

Shree Lairaee Self Help Group Co-op. Society Ltd., Madhla Wada, Shirgao, Bicholim-Goa has been registered on 1-12-2011 and it bears registration code symbol No. GEN-(c)-100/SHG/NZ/Goa. It is

classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 1st December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Om Sai Yogi Self Help Group Co-op. Society Ltd., Bhandarwada, Palyem, Pernem-Goa has been registered under code symbol No. GEN-(c)-101/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Certificate of Registration

Om Sai Yogi Self Help Group Co-op. Society Ltd., Bhandarwada, Palyem, Pernem-Goa has been registered on 2-12-2011 and it bears registration code symbol No. GEN-(c)-101/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Bhumika Ghavnaleshwar Self Help Group Co-op. Society Ltd., Madhalawada, Sal, Bicholim-Goa has

been registered under code symbol No. GEN-(c)-102/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Certificate of Registration

Bhumika Ghavnaleshwar Self Help Group Co-op. Society Ltd., Madhalawada, Sal, Bicholim-Goa has been registered on 2-12-2011 and it bears registration code symbol No. GEN-(c)-102/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Ganesh Self Help Group Co-op. Society Ltd., Salito Panchayat Colony, Pale, Bicholim-Goa has been registered under code symbol No. GEN-(c)-103/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Certificate of Registration

Shree Ganesh Self Help Group Co-op. Society Ltd., Salito Panchayat, Colony, Pale, Bicholim-Goa has been registered on 2-12-2011 and it bears registration code symbol No. GEN-(c)-103/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shri Ganesh Prasan Self Help Group Co-op. Society Ltd., Karapur-Tisk, Sanquelim, Bicholim-Goa has

been registered under code symbol No. GEN-(c)-104/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Certificate of Registration

Shri Ganesh Prasan Self Help Group Co-op. Society Ltd., Karapur-Tisk, Sanquelim, Bicholim-Goa has been registered on 2-12-2011 and it bears registration code symbol No. GEN-(c)-104/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 2nd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Tulshimala Self Help Group Co-op. Society Ltd., Tulshimala, Parye, Satari-Goa has been registered under code symbol No. GEN-(c)-105/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Certificate of Registration

Tulshimala Self Help Group Co-op. Society Ltd., Tulshimala, Parye, Satari-Goa has been registered on 5-12-2011 and it bears registration code symbol No. GEN-(c)-105/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Taleshwar, Praye Self Help Group Co-op. Society Ltd., Tulshimala, Parye, Satari-Goa has been registered under code symbol No. GEN-(c)-106/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Certificate of Registration

Taleshwar, Praye Self Help Group Co-op. Society Ltd., Tulshimala, Parye, Satari-Goa has been registered on 5-12-2011 and it bears registration code symbol No. GEN-(c)-106/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Deepsamrat Self Help Group Co-op. Society Ltd., Tamidgi-Wada, Parye, Satari-Goa has been registered under code symbol No. GEN-(c)-107/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Certificate of Registration

Deepsamrat Self Help Group Co-op. Society Ltd., Tamidgi-Wada, Parye, Satari-Goa has been registered on 5-12-2011 and it bears registration code symbol No. GEN-(c)-107/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Devki Self Help Group Co-op. Society Ltd., Tamidgi-Wada, Parye, Satari-Goa has been registered under code symbol No. GEN-(c)-108/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Certificate of Registration

Devki Self Help Group Co-op. Society Ltd., Tamidgi-Wada, Parye, Satari-Goa has been registered

on 5-12-2011 and it bears registration code symbol No. GEN-(c)-108/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sakhi Self Help Group Co-op. Society Ltd., Chimulwada, Maem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-109/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 6th December, 2011.

Certificate of Registration

Sakhi Self Help Group Co-op. Society Ltd., Chimulwada, Maem, Bicholim-Goa has been registered on 6-12-2011 and it bears registration code symbol No. GEN-(c)-109/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 6th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Gulab Self Help Group Co-op. Society Ltd., Corjuem, Aldona, Bardez-Goa has been registered under code symbol No. GEN-(c)-110/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Certificate of Registration

Gulab Self Help Group Co-op. Society Ltd., Corjuem, Aldona, Bardez-Goa has been registered on 9-12-2011 and it bears registration code symbol No. GEN-(c)-110/SHG/NZ/Goa. It is classified as

"General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sagar Laxmi Self Help Group Co-op. Society Ltd., Pimpalgal, Pale, Bicholim-Goa has been registered under code symbol No. GEN-(c)-111/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Certificate of Registration

Sagar Laxmi Self Help Group Co-op. Society Ltd., Pimpalgal, Pale, Bicholim-Goa has been registered on 9-12-2011 and it bears registration code symbol No. GEN-(c)-111/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shri Krishna Self Help Group Co-op. Society Ltd., Ambegal, Pale, Bicholim-Goa has been registered under code symbol No. GEN-(c)-112/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Certificate of Registration

Shri Krishna Self Help Group Co-op. Society Ltd., Ambegal, Pale, Bicholim-Goa has been registered on 9-12-2011 and it bears registration code symbol No. GEN-(c)-112/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Unity Self Help Group Co-op. Society Ltd., Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-113/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Certificate of Registration

Unity Self Help Group Co-op. Society Ltd., Sanquelim, Bicholim-Goa has been registered on 9-12-2011 and it bears registration code symbol No. GEN-(c)-113/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 9th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Lok Samruddhi Self Help Group Co-op. Society Ltd., Zariwada, Podocem, Satari-Goa has been registered under code symbol No. GEN-(c)-114/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th December, 2011.

Certificate of Registration

Lok Samruddhi Self Help Group Co-op. Society Ltd., Zariwada, Podocem, Satari-Goa has been registered on 12-12-2011 and it bears registration code symbol No. GEN-(c)-114/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under

sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, St. Francis Xavier's Self Help Group Co-op. Society Ltd., Corjuvem, Aldona, Bardez-Goa has been registered under code symbol No. GEN-(c)-115/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th December, 2011.

Certificate of Registration

St. Francis Xavier's Self Help Group Co-op. Society Ltd., Corjuvem, Aldona, Bardez-Goa has been registered on 12-12-2011 and it bears registration code symbol No. GEN-(c)-115/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Rashtroli Karaswada Self Help Group Co-op. Society Ltd., Karaswada, Mapusa, Bardez-Goa has been registered under code symbol No. GEN-(c)-116/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Certificate of Registration

Shree Rashtroli Karaswada Self Help Group Co-op. Society Ltd., Karaswada, Mapusa, Bardez-Goa has been registered on 13-12-2011 and it bears registration code symbol No. GEN-(c)-116/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Bhakti Self Help Group Co-op. Society Ltd., Pratap Nagar, Harvalem, Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-117/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Certificate of Registration

Bhakti Self Help Group Co-op. Society Ltd., Pratap Nagar, Harvalem, Sanquelim, Bicholim-Goa has been registered on 13-12-2011 and it bears registration code symbol No. GEN-(c)-117/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Deepshil Apartments Co-op. Housing Maintenance Society Ltd., Xelpem, Duler, Mapusa, Bardez-Goa has been registered under code symbol No. GEN-26/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Certificate of Registration

Deepshil Apartments Co-op. Housing Maintenance Society Ltd., Xelpem, Duler, Mapusa, Bardez-Goa has been registered on 13-12-2011 and it bears registration code symbol No. GEN-26/NZ/Goa. It is classified as "Housing Maintenance Society" in terms of Rule 8 (1) (7) and sub-classified

as "Co-operative Housing Maintenance Society" under sub-rule 7(d) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 13th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Creative Self Help Group Co-op. Society Ltd., Housing Board Colony, Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-118/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Creative Self Help Group Co-op. Society Ltd., Housing Board Colony, Sanquelim, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-118/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Gandhar Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-119/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Gandhar Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-119/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sukanya Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-120/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Sukanya Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-120/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Jai Shree Sai Baba Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-121/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Jai Shree Sai Baba Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-121/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Mauli Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-122/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Mauli Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-122/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Swar Siddhi Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-123/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Swar Siddhi Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-123/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Kumkeshwar Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-124/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Shree Kumkeshwar Self Help Group Co-op. Society Ltd., Bordem, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-124/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Chavata Self Help Group Co-op. Society Ltd., Maulangtuwada, Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-125/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Certificate of Registration

Shree Chavata Self Help Group Co-op. Society Ltd., Maulangtuwada, Sanquelim, Bicholim-Goa has been registered on 15-12-2011 and it bears registration code symbol No. GEN-(c)-125/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 15th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Renuka Self Help Group Co-op. Society Ltd., Kanterwada, Dhabdhaba, Bicholim-Goa has been registered under code symbol No. GEN-(c)-126/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 14th December, 2011.

Certificate of Registration

Renuka Self Help Group Co-op. Society Ltd., Kanterwada, Dhabdhaba, Bicholim-Goa has been registered on 14-12-2011 and it bears registration code symbol No. GEN-(c)-126/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 14th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sai Saburi Self Help Group Co-op. Society Ltd., Korgao, Pernem-Goa has been registered under code symbol No. GEN-(c)-127/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Certificate of Registration

Sai Saburi Self Help Group Co-op. Society Ltd., Korgao, Pernem-Goa has been registered on 21-12-2011 and it bears registration code symbol No. GEN-(c)-127/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shivambhu Self Help Group Co-op. Society Ltd., Bhaili Peth, Near Water Tank, Bicholim-Goa has been registered under code symbol No. GEN-(c)-128/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Certificate of Registration

Shivambhu Self Help Group Co-op. Society Ltd., Bhaili Peth, Near Water Tank, Bicholim-Goa has been registered on 21-12-2011 and it bears registration code symbol No. GEN-(c)-128/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Ishwati Brahman Self Help Group Co-op. Society Ltd., Devsu, Korgao, Pernem-Goa has been registered under code symbol No. GEN-(c)-129/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Certificate of Registration

Ishwati Brahman Self Help Group Co-op. Society Ltd., Devsu, Korgao, Pernem-Goa has been registered on 21-12-2011 and it bears registration code symbol No. GEN-(c)-129/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule

12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 21st December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Gajanan Mauli Self Help Group Co-op. Society Ltd., Dhaktebag, Keri, Pernem-Goa has been registered under code symbol No. GEN-(c)-130/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Certificate of Registration

Gajanan Mauli Self Help Group Co-op. Society Ltd., Dhaktebag, Keri, Pernem-Goa has been registered on 23-12-2011 and it bears registration code symbol No. GEN-(c)-130/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shaunak Self Help Group Co-op. Society Ltd., Kudapwada, Karapur, Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-131/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Certificate of Registration

Shaunak Self Help Group Co-op. Society Ltd., Kudapwada, Karapur, Sanquelim, Bicholim-Goa has been registered on 23-12-2011 and it bears registration code symbol No. GEN-(c)-131/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Kudchire Bramhani Devi Self Help Group Co-op. Society Ltd., Bhatwadi, Kudchire, Bicholim-Goa has been registered under code symbol No. GEN-(c)-132/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Certificate of Registration

Kudchire Bramhani Devi Self Help Group Co-op. Society Ltd., Bhatwadi, Kudchire, Bicholim-Goa has been registered on 23-12-2011 and it bears registration code symbol No. GEN-(c)-132/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 23rd December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Shauryavan Self Help Group Co-op. Society Ltd., Pratapnagar, Harvalem, Sanquelim, Bicholim-Goa has been registered under code symbol No. GEN-(c)-133/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 27th December, 2011.

Certificate of Registration

Shree Shauryavan Self Help Group Co-op. Society Ltd., Pratapnagar, Harvalem, Sanquelim, Bicholim-Goa has been registered on 27-12-2011 and it bears registration code symbol No. GEN-(c)-133/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 27th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Bhavani Devi Self Help Group Co-op. Society Ltd., Talwada, Keri, Pernem-Goa has been registered under code symbol No. GEN-(c)-134/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 28th December, 2011.

Certificate of Registration

Shree Bhavani Devi Self Help Group Co-op. Society Ltd., Talwada, Keri, Pernem-Goa has been registered on 28-12-2011 and it bears registration code symbol No. GEN-(c)-134/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 28th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, St. Jude Self Help Group Co-op. Society Ltd., Naibag, Pernem-Goa has been registered under code symbol No. GEN-(c)-135/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 29th December, 2011.

Certificate of Registration

St. Jude Self Help Group Co-op. Society Ltd., Naibag, Pernem-Goa has been registered on 29-12-2011 and it bears registration code symbol No. GEN-(c)-135/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 29th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Kul Brahman Self Help Group Co-op. Society Ltd., Mighalwado, Paraste, Pernem-Goa has been registered under code symbol No. GEN-(c)-136/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 29th December, 2011.

Certificate of Registration

Kul Brahman Self Help Group Co-op. Society Ltd., Mighalwado, Paraste, Pernem-Goa has been registered on 29-12-2011 and it bears registration code symbol No. GEN-(c)-136/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 29th December, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Saptashrungi Self Help Group Co-op. Society Ltd., Goankarwada, Bicholim-Goa has been registered under code symbol No. GEN-(c)-137/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 30th December, 2011.

Certificate of Registration

Saptashrungi Self Help Group Co-op. Society Ltd., Goankarwada, Bicholim-Goa has been registered on 30-12-2011 and it bears registration code symbol No. GEN-(c)-137/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8 (1) (12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 30th December, 2011.

Department of Labour

Notification

No. 28/1/2012-LAB/52

The following award passed by the Labour Court-II, at Panaji-Goa on 09-11-2011 in reference No. IT/46/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).

Porvorim, 10th January, 2012.

IN THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/46/07

Smt. Francisca Costa,
c/o Mrs. Tulia Carvalho,
r/o H. No. 379,
4th Ward-A, Colva,
Salcete-Goa.

... Workman/Party I

V/s

The Parish Priest &
In-charge of Boys Boarding,
St. Rita Chrch,
Maina, Curtorim-Goa.

... Employer/Party II

Workman/Party I represented by Adv. A. Rebello.

Employer/Party II marked as ex-parte.

Panaji, Dated 09-11-2011

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by Order dated 21-09-2007 bearing No. 28/21/2007-LAB/875 referred the following dispute for adjudication by the Industrial Tribunal of Goa.

“(1) Whether the action of the management of St. Rita's Church, Maina, Curtorim-Goa, in terminating the services of Smt. Francisca Costa, Head-Cook, at St. Rita's Boys Boarding with effect from 01-10-2005 is legal and justified?”

(2) If not, to what relief, the Workperson is entitled?”

2. On receipt of the reference, a case was registered under No. IT/46/2007 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'Workman'), filed her statement of claim on 26-11-2007 at Exb. 7. The facts of the case in brief as pleaded by the Workman are that she was appointed by the Employer/Party II (for short "Employer") as a "Cook" in the year 1991. She stated that initially she was paid consolidated monthly salary of ` 500/-, which was subsequently increased from time to time and finally her salary was increased to ` 5,000/- per month. She stated that she was promoted to the post of Head Cook in the year 2001 vide letter issued to her in the month of January, 2001. She stated that she had applied for three months leave for the period starting from July, 2005 till September, 2005 on account of her sickness vide her letter dated 14-07-2005. She stated that after availing the said leave, when she had gone to join her services as Head Cook on 01-10-2005, she was prevented and orally told by Rev. Fr. Gualberto Pereira, In-charge of the Employer not to join the service without assigning any valid reasons. She stated that she had submitted a representation dated 04-10-2005, requesting the Employer to allow her to join the services as 'Head Cook'. She stated that the Employer did not reply to her aforesaid representation although duly acknowledged the same. She stated that she was thereafter constraint to make another representation to the higher authorities, namely Archbishop of Goa vide her representation dated 27-10-2005, however there was no response to her representation from the Archbishop of Goa also. She submitted that the Employer terminated her services for no fault and thus violated the principles of natural justice. She stated that she was dependent on the income of her services only. She submitted that she is ready and willing to join her duties sincerely and will perform the same to the best of her ability upto the satisfaction of her superior. She stated that thereafter she raised an Industrial Dispute before the Deputy Labour Commissioner, Margao vide her letter dated 04-03-2006 which ended in failure due to the adamant stand taken by the Employer. She therefore prayed for her reinstatement with back wages.

3. The Employer filed its written statement on 31-03-2008 at Exb.-11. The Employer at the outset, by way of preliminary objection submitted that the

Party I is not a "Workman" as defined under the I. D. Act, 1947. The Employer stated that it has not terminated the services of the Party I, but it is the Party I who resigned from her services suddenly without giving any notice from 01-07-2005 on account of her health problem, thereby causing sudden inconveniences and hardship to them. The Employer stated that the Party I was not appointed by them, but she was rendering service to the then Parish Priest, Fr. Diogo O. Fernandes of its Church who has fabricated the documents after his transfer from the said Church. The Employer submitted that the present reference is bad for non-joinder of the necessary parties. The Employer stated that it is an Ecclesiastical Institution which runs on 'no profit no loss' basis to serve the needy students and hence, it does not fall within the purview of Industrial Disputes Act, as it is a religious institution. The Employer denied of having appointed the Party I in the year 1999 as a 'Cook' in its organization. The Employer stated that the services of the Party I was availed by Rev. Fr. Diogo O. Fernandes in his personal capacity and not for the organizational/institutional needs in the year 1995. The Employer also denied that it has increased the salary of the Party I from time-to-time as alleged. The Employer stated that all its employees are being duly appointed in consultation with the Archbishop, Patriarch and their salaries have been regulated as per guidelines and directives issued by the Bishops House. The Employer stated that the salaries of its employees are paid through the account of the Fabrica. The Employer stated that the Party I has been provided with an employment by Rev. Fr. Diogo Fernandes for his personal services at Aquem, Margao-Goa as well as in one of the parishioners house by name Mrs. Tulia Carvalho. The Employer submitted that there is no Employer/Employee relationship between themselves and the Party I. The Employer denies the overall case of the Party I and prayed for the dismissal of the present reference.

4. Thereafter, the Party I filed her re-joinder at Exb.-12. The Party I, by way of her re-joinder denied each and every statement, averments and submissions made by the Employer vide its written statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by her in the statement of claim.

5. Based on the pleadings filed by the respective parties, this Hon'ble Court framed the following issues at Exb.-15. The issue No. 2A has been subsequently re-casted vide order of this Court

dated 30-09-2008 disposing off an application dated 15-09-2008 filed by the Employer.

1. Whether the Workman/Party I proves that she is a "Workman" as defined under Section 2(s) of the Industrial Disputes Act, 1947?
2. Whether the Workman/Party I proves that Party II is an "Industry" as defined under Section 2(j) of the Industrial Disputes Act, 1947?
- 2A. Whether the Workman/Party I proves that whether there was an Employer/Employee relationship between the Party II and herself?
3. Whether the Workman/Party I proves that she was working for the Employer/Party II since the year 1991 continuously till September, 2005?
4. Whether the Workman/Party I proves that the termination of her services by the Employer/Party II w.e.f. 01-10-2005 is illegal and unjustified?
5. Whether the Employer/Party II proves the present order of reference issued by the Government of Goa is bad-in-law?
6. Whether the Workman/Party I proves that she is entitled for any relief?
7. What award?
6. My findings to the aforesaid issues are as under:

Issue No. 1	: Affirmative
Issue No. 2	: Affirmative
Issue No. 2A	: Affirmative
Issue No. 3	: Affirmative
Issue No. 4	: Affirmative
Issue No. 5	: Negative
Issue Nos. 6 & 7	: As per final order.

Reasons :

Issue Nos. 1, 2A & 3:

7. I am deciding issue Nos. 1, 2A & 3 simultaneously as the said issue Nos. 1, 2A & 3 are co-related to each other.

I have heard the oral arguments of the Ld. Adv. A. Rebello appearing for the Workman.

8. Ld. Adv. A. Rebello representing the Workman during the course of his oral arguments submitted that in order to prove the issue Nos. 1, 2A & 3, the Workman has examined herself and a sole witness by name Rev. Fr. Diogo Fernandes. He submitted

that the Workman has also produced on record her appointment letters dated 03-06-1995 (Exb. W/1), three letters of appreciation-cum-increment one dated 07-1999, another dated 01-2003 and third dated 01-2004 and a letter of promotion dated 01-2001 issued by the Employer. He submitted that the aforesaid appointment letter on record clearly established that the Workman was appointed by the Employer as 'Cook'. He submitted that the letter of promotion dated 01-2001 issued to her clearly proves that the Workman was subsequently promoted to the post of 'Head Cook'. He submitted that the Party I has also produced on record a statement of account of the Employer maintained at the Corporation Bank, Maina, Curtorim. He submitted that the said statement of account of the Employer maintained at the Corporation Bank, Maina, Curtorim clearly established that the Employer was paying salary to the Workman. He submitted that the aforesaid documentary evidence adduced by the Workman clearly corroborates the oral evidence adduced by her by examining herself and a witness by name Rev. Fr. Diogo Fernandes.

9. On the contrary, neither the Employer nor its advocate remained present during the course of final arguments. The Court after giving ample opportunities to the Employer to appear and defend its case marked an ex-parte order against the Employer and heard an ex-parte argument of the Workman.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Adv. A. Rebello for the Workman.

10. The Workman, in her oral evidence on record clearly stated that initially she was appointed as a 'Cook' in the year 1991 on a monthly salary of ` 500/- by the Employer, which was subsequently increased from time to time. The oral evidence on record adduced by the Workman further indicates that she was promoted for the post of 'Head Cook' in the year 2001. The oral evidence of the Workman's sole witness Rev. Fr. Diogo Fernandes on record indicates that he was appointed as a Parish Priest of the Employer for the period starting from 03-04-1995 till 25-11-2003 and that the Workman was appointed by the previous Parish Priest, Fr. A. Lopez prior taking charge by him as a Parish Priest of the Employer. The oral evidence of the said Workman's sole witness Rev. Fr. Diogo Fernandes on record indicates that he had issued an appointment letter to the Workman as a 'Cook' and subsequently promoted her as a 'Head Cook' during his tenure and also issued letter of increments in salary to the

Workman on behalf of the Employer. In support of her oral evidence, the Workman has also produced on record her appointment letter dated 03-06-1995 issued by the Employer. The said appointment letter dated 03-06-1995 at Exb. W/1 issued to the Workman clearly indicates that the Workman was appointed by Fr. Antonio Lopez, Parish Priest of the Employer since the year 1991. The letter of increment issued to the Workman in July, 1999 which is on record at Exb. W/2 clearly indicates that the salary of the Workman had been increased from ` 800/- p. m. to ` 2,000/- p.m. from July, 1999. The promotion letter issued to the Workman in January, 2001 which is on record at Exb. W/3 indicates that the Workman had been promoted as 'Head Cook' by appreciating her performance and the consolidated salary of the Workman had been further increased to ` 3,500/- p.m. from January, 2001. The two letters of appreciation-cum-increment issued to the Workman i.e. letter dated January, 2003 (Exb. W/4) and letter dated January, 2004 (Exb. W/5) indicates that the Employer had increased the monthly salary of the Workman to ` 4,100/- p.m. from January, 2003 and ` 4,500/- p.m. from January, 2004 respectively based on her performance.

11. Thus, the oral as well as documentary evidence on record adduced by the Workman clearly proves that the Workman was initially appointed as 'Cook' in the year 1991 and subsequently promoted to the post of 'Head-Cook' vide letter of the Employer dated January, 2001 at Exb. W/3 issued to her. The evidence on record further proves that the Workman has worked for the Employer continuously since the year, 1991 till the date of her termination of services w.e.f. 01-10-2005. On the contrary, the Employer has failed to bring on record any material evidence either oral or documentary to disprove the case of the Workman. It is therefore held that the Workman was working continuously with the Employer since the year 1991 till September, 2005. The issue No. 3 is therefore answered in the affirmative.

12. The Employer in its written statement filed in the present proceedings contended that the services of the Party I were availed by Rev. Fr. Diogo O. Fernandes in his personal capacity and not for the organizational/institutional needs in the year 1995 and submitted that there is no Employer/Employee relationship between themselves and the Party I. The Employer has however, failed to produce on record any material evidence in support of its aforesaid contention. On the contrary, the oral as well as documentary evidence adduced by the Workman on record clearly proves that the Workman

was initially appointed as a 'Cook' in the year 1991 by Fr. A. Lopez, the then Parish Priest of the Employer and subsequently promoted as 'Head Cook' in the year 2001. The evidence on record further indicates that the Party I has performed her duties in the organization of the Employer. The evidence on record also indicates that the Party I was paid her wages by the Employer. It is therefore held that there exists an Employer/Employee relationship between the Employer and the Party I hereinabove. The issue No. 2A is therefore answered in the affirmative.

13. The Employer in the written statement filed in the present proceedings further contended that the Party I is not a "Workman" as defined under Section 2(s) of the I. D. Act, 1947. It is therefore necessary to quote the definition of "Workman" as defined u/s 2(s) of the I. D. Act, 1947.

The term "Workman" has been defined u/s 2(s) of the I. D. Act, 1947 and it means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied and for the purposes of any proceedings under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with or a consequence of that dispute or dismissal, discharge or retrenchment has laid to that dispute, but does not include any such person—

- i. who is subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957); or
- ii. who is employed in the police service or as an Officer or other employee of a prison; or
- iii. who is employed mainly in a managerial or administrative capacity;
- iv. who, being employed in a supervisory capacity draws wages exceeding ` 1,600/- per mensem or exercises either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

14. In the present case, the evidence on record indicates that the Party I was designated and performing the duties as 'Head Cook' in the organization of the Employer at the time of termination of her services. The said duties performed by the Workman are semi-skilled and manual in nature. Hence, the Party I is a "Workman"

within the meaning of expression "Workman" as defined u/s 2(s) of the I. D. Act, 1947. The issue No. 1 is therefore answered in the affirmative.

Issue No. 2:

I have heard the oral arguments of the Ld. Adv. A. Rebello appearing for the Workman.

15. Ld. Adv. A. Rebello representing the Workman during the course of his oral arguments submitted that the institution of the Employer is of Boy's Boarding. He submitted that the Employer used to charge the fees from the students who were taking admissions in the said Boarding and thus making profits. He submitted that the Employer has employed the employees to run its Boy's Boarding and thus the Employer is running its Boy's Boarding systematically with the co-operation of the employees appointed by them.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Adv. A. Rebello for the Workman.

16. The term "Industry" has been defined u/s 2(j) of the I. D. Act, 1947 and it means "any systematic activity carried on by co-operation between an employer and his Workmen (whether such Workmen are employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,

- (i) Any capital has been invested for the purpose of carrying on such activity; or
- (ii) Such activity is carried on with a motive to make any gain or profit, and includes—
 - (a) Any activity of the Dock Labour Board established under Section 5-A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948);
 - (b) Any activity relating to the promotion of sales or business or both carried on by an establishment,

But does not include—

- (1) Any agricultural operation except where such agricultural operation is carried on in an integrated manner with any other activity (being any such activity as is referred to in the foregoing provisions of this clause) and

such other activity is the predominant one.

Explanation.— For the purposes of this sub-clause, “agricultural operation” does not include any activity carried on in a plantation as defined in clause (f) of Section 2 of the Plantations Labour Act, 1951; or

- (2) hospitals or dispensaries; or
- (3) educational, scientific, research or training institutions; or
- (4) institutions owned or managed by organization wholly or substantially engaged in any charitable, social or philanthropic service; or
- (5) khadi or village industries; or
- (6) any activity of the Government relatable to the sovereign functions of the Government including all the activities carried on by the departments of the Central Government dealing with defence research, atomic energy and space;
- (7) any domestic service; or
- (8) any activity, being a profession practiced by an individual or body of individuals, if the number of persons employed by an individual or body of individuals in relation to such profession is less than ten; or
- (9) any activity, being an activity carried on by co-operative society or club or any other like body of individuals, if the number of persons employed by the co-operative society, club or other like body of individuals in relation to such activity is less than ten.]”

17. In the case of **Bangalore Water Supply and Sewage Board v/s A. Rajappa and ors. reported in AIR 1978 SC 548** the Hon’ble Apex Court in para 161 of its judgment has observed as under:

“161” “Industry” as defined in Section 2(j) and explained in **Banerji (AIR 1953 SC 58)** has a wide importance.

- (a) Where (i) systematic activity (ii) organized by co-operation between Employer and Employee (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material

things or services geared to celestial bliss i.e. making, on a large scale Prasad or food) prima facie, there is an ‘industry’ in that enterprise.

- (b) Absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector.
- (c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the Employer/Employee relations.
- (d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

II. Although Sec. 2(j) uses words of the widest amplitude in its two limbs, their meaning cannot be magnified to overreach itself:—

- (a) ‘Undertaking’ must suffer a contextual and associational shrinkage as explained in **Banerji** and in this judgement; so also, service, calling and the like. This yields the inference that all organized activity possessing the triple elements in I (supra). Although not trade or business, may still be ‘industry’ provided the nature of the activity, viz. the Employer/Employee basis, bears resemblance to what we find in trade or business. This takes into the fold ‘industry’ undertakings, callings and services, adventures ‘analogous to the carrying on of trade or business’. All features other than the methodology of carrying on the activity viz. in organizing the co-operation between Employer and Employee may be dissimilar. It does not matter, if on the employment terms there is analogy.

III. Application of these guidelines should not stop short of their logical reach by invocation of creeds, cults or inner sense of incongruity or outer sense of motivation for or resultant of the economic operations. The ideology of the Act being industrial peace, regulation and resolution of industrial disputes between Employer and Workmen, the range of this statutory ideology must inform the reach of the statutory definition. Nothing less, nothing more.

- (a) The consequences are (i) professions, (ii) Clubs (iii) educational institutions (iv) co-operatives, (v) research institutes (vi) charitable projects and (vii) other kindred adventures, if they fulfill the triple tests listed in I (supra), cannot be exempted from the scope of Section 2(j).

- (b) A restricted category of professions, clubs, co-operatives and even gurukulas and little research labs, may qualify for exemption if, in simple ventures, substantially and, going by the dominant nature criterion, substantively, no employees are entertained but in minimal matters, marginal employees are hired without destroying the non-employee character of the unit.
- (c) If, in a pious or altruistic mission many employ themselves, free or for small honoria or like return, mainly drawn by sharing in the purpose or cause, such as lawyers volunteering to run a free legal services, clinic or doctors serving in their spare hours in a free medical centre or ashramites working at the bidding of the holiness, divinity or like central personality, and the services are supplied free or nominal cost and those who serve are not engaged for remuneration or on the basis of master and servant relationship, then, the institution is not an industry even if stray servants, manual or technical, are hired. Such eleemosynary or like undertakings alone are exempt not other generosity, compassion, developmental passion or project.

IV. The dominant nature test:

- (a) Where a complex of activities, some of which qualify for exemption, others not, involves employees on the total undertaking, some of whom are not 'workmen' as in the *University of Delhi* case (AIR 1963 SC 1873) or some departments are not productive of goods and services if isolated, even then, the predominant nature of the services and the integrated nature of the departments as explained in the *Corporation of Nagpur* (AIR 1960 SC 675) will be the true test. The whole undertaking will be 'industry' although those who are not 'Workmen' by definition may not benefit by the status.
- (b) Notwithstanding the previous clauses, sovereign functions, strictly understood, (alone) qualify for exemption, not the welfare activities or economic adventures undertaken by government or statutory bodies.
- (c) Even in departments discharging sovereign functions, if there are units which are industries and they are substantially severable, then they can be considered to come within Sec. 2 (j).
- (d) Constitutional and competently enacted legislative provisions may well remove from

the scope of the Act categories which otherwise may be covered thereby.

The law laid down by the Hon'ble Apex Court in its aforesaid case still holds good.

18. In the case of the **President, Anath Mahila Ashram, Kolhapur V/s Ajagaonkar J. G. (Smt.) reported in 1997 III LLJ 342** the Hon'ble High Court of Bombay has held that "*it is not correct to argue that because there is absence of trade business in running of charitable institution or because there is absence of profit motive, charitable institution would not fall within the definition of the "Industry"*". Profit making motive is not sine qua non of 'Industry' functionally or definitionally. The principle laid down by the Hon'ble High Court of Bombay in its aforesaid decision is squarely applicable to the present case.

19. In the case in hand, admittedly, the Employer is running its Boys Boarding to facilitate all the needy students to stay in the said boarding who were schooling in the St. Rita's School. The said St. Rita's School, Maina, Curtorim and St. Rita's Boys Boarding, Maina, Curtorim are being managed and administered by one and the same person i.e. the Parish Priest and In-charge of Boy's Boarding of St. Rita's Church, Maina, Curtorim-Goa. Admittedly, the Employer had employed several employees including the Workman to run, administer and manage the affairs of its boarding. In the absence of engaging the services of the Employees, the Employer will not be able to run the said Boy's Boarding. Thus, the Employer is running its Boy's boarding systematically with the co-operation of its employees and used to serve the students who were schooling in the St. Rita's School, Maina, Curtorim-Goa by charging fees towards the service rendered by it. It is the contention of the Employer that it is a religious institution which runs with 'no profit no loss' basis to serve the needy students. Applying the law laid down by the Hon'ble High Court of Bombay in its aforesaid decision, it is held that merely because the Employer is running its Boy's Boarding on 'no profit no loss' basis it cannot be said that the establishment of the Party II is not an "Industry". The triple test laid down by the Hon'ble Apex Court in its case of *Bangalore Water Supply v/s A. Rajappa* is found to be positive. Hence, I have no hesitation to hold that the Employer is an "Industry" within the meaning of Sec. 2(j) of the I. D. Act, 1947. The issue No. 2 is therefore answered in the affirmative.

Issue No. 4:

I have heard the oral arguments of the Ld. Adv. A. Rebello appearing for the Workman.

20. Ld. Adv. A. Rebello representing the Workman during the course of his oral arguments submitted that the Workman was working with the Employer continuously since the year 1991 till the date of her termination of her services w.e.f. 01-10-2005. He submitted that the Employer orally terminated the services of the Workman w.e.f. 01-10-2005 by refusing her to join her duties without assigning any valid reasons. He submitted that the action of the Employer in terminating the services of the Workman w.e.f. 01-10-2005 is illegal, unjustified and bad-in-law as it is in violation of the principles of natural justice. He submitted that it is the contention of the Employer that the Workman voluntarily remained absent from his duties on account of her health reasons since 01-07-2005. He submitted that the aforesaid contention of the Employer is an afterthought as the Employer failed to issue any notice to the Workman pointing out her unauthorized absenteeism and further directed to report for the duties and/or held any domestic enquiry to comply the principles of natural justice. He submitted that neither the Employer has laid any evidence either oral or documentary in support of its aforesaid contention nor proved the same. He therefore submitted that the action of the Employer in orally terminating the services of the Workman w.e.f. 01-10-2005 is illegal and unjustified.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Adv. A. Rebello for the Workman.

21. Admittedly, the Workman was working with the Employer continuously from 1991 till the date of her termination of services w.e.f. 01-10-2005. The evidence on record further indicates that the Workman vide her letter dated 14-07-2005 (Exb. W/6) requested Rev. Fr. Gulberto Pereira, the Parish Priest of the Employer for sick leave from July to 31st September, 2005. The evidence on record indicates that the Workman was orally refused employment by the Employer w.e.f. 01-10-2005 when she had gone to report her duties. The evidence on record further indicates that the service of the Workman was terminated by the Employer without assigning any reasons.

22. The Employer in its written statement filed in the present proceedings however contended that the Workman discontinued abruptly without any notice on account of her health reasons from 01-07-2005. The aforesaid stand taken by the Employer appears to be an afterthought as the letter of the Workman at Exb. W/7 on record clearly indicates that the Workman had informed the

Employer about her sickness vide her letter dated 14-07-2005. The evidence on record further indicates that the Employer has neither directed the Workman to report for her duties by pointing out her absenteeism nor held any enquiry pertaining to the alleged unlawful absenteeism on the part of the Workman. It is well settled industrial law that even in the case of absenteeism on the part of the delinquent Workman, the Employer has to either hold an enquiry against the Workman or at least direct the Workman to report for duty by pointing out an unauthorized absenteeism to comply the principles of natural justice. The Employer has however failed to do so in the present case. The evidence on record also indicates that the Employer has failed to comply the mandatory pre-conditions mentioned in Sec. 25-F of the I. D. Act, 1947 in order to make out a case of retrenchment. Hence, the action of the Employer in orally refusing the employment to the Workman is illegal, unjustified and in violation of the well established principles of natural justice. The said oral refusal of employment to the Workman amounts to termination of her services. It is therefore held that the action of the Employer in terminating the services of the Workman w.e.f. 01-10-2005 is illegal and unjustified. The issue No. 4 is therefore answered in the affirmative.

Issue No. 5:

23. While deciding the issue No. 1 hereinabove, it has been held by me that the Party I is a "Workman" within the meaning of Sec. 2(s) of the I. D. Act, 1947. Similarly, while deciding the issue No. 2 hereinabove, it has been held by me that the Boarding of the Employer is an "Industry" as defined under Sec. 2(j) of the I. D. Act, 1947. Therefore, any dispute or difference between the Workman and the Employer pertaining to the non-employment of the Workman is an "Industrial Dispute" within the meaning of the Sec. 2(k) of the I. D. Act, 1947.

24. It is the contention of the Employer that the present reference is bad-in-law for non-joinder of necessary parties namely the Archdiocese of Goa, the Administrative Committee of the Employer as well as Fr. Diogo O. Fernandes, the Employer has however failed to adduce on record any material evidence either oral or documentary in support of its aforesaid contention. Even otherwise, while deciding the issue No. 2A it has been held by me that there exists an Employer/Employee relationship between the Employer and the Workman. Similarly, while deciding the issue No. 1, it has been held by me that the Party I is a "Workman" within the

meaning of Sec. 2(s) of the I. D. Act, 1947. In my opinion the said Archdiocese of Goa, the Administrative Committee of the Employer as well as Fr. Diogo O. Fernandes are not necessary parties to the present proceedings. In the absence of making the aforesaid Archdiocese of Goa, the Administrative Committee of the Employer as well as Fr. Diogo O. Fernandes as parties to the present proceedings, the award passed by this Court will be complete and effectual.

In view of the above, I do not find any merits in the preliminary objections raised by the Employer. Hence it is held that the Employer failed to prove that the present order of reference issued by the Govt. of Goa is bad-in-law. The issue No. 5 is therefore answered in the negative.

Issue No. 6:

25. The Workman in her claim statement filed in the present proceedings prayed for re-employment as well as payment of back wages from October, 2005 till actual realization @ ` 5,000/- p.m. While deciding the issue No. 3 hereinabove, it has been held by me that the Workman was continuously working for the Employer since the year 1991 till the date of her termination of services w.e.f. 01-10-2005. Similarly, while deciding issue No. 4 hereinabove, it has been held by me that the action of the Employer in terminating the services of the Workman w.e.f. 01-10-2005 is illegal and unjustified.

26. In the case of **Hon'ble Supreme Court of India in the case of Kendriya Vidyalaya Sangathan and Anr. v/s S. C. Sharma 2005 (104) FLR 863**. The Hon'ble Apex Court in para-15 of its aforesaid Judgement has ruled as under:

"15..... When the question of determining the entitlement of a person to back wages is concerned, the Employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places material in that regard, the employer can bring on record materials to rebut the claim. In the instant case, the respondent had neither pleaded nor placed any material in that regard." I am bound by the precedent laid down by the Hon'ble Supreme Court of India in its aforesaid Judgement.

27. In the case of **M/s. Reetu Marbles v/s Prabhakant Shukla and Anr., reported in 2010 (124) FLR 72**, the Hon'ble Supreme Court of India has held that *"Although direction to pay full back wages on a declaration that the order of termination was invalid used to be the usual result but now, with the passage of time, a pragmatic view of the matter is being taken up by the Court realizing that an*

industry may not be compelled to pay to the Workman for the period during which he apparently contributed little or nothing at all to it and/or for a period that was spent unproductively as a result whereof the employer would be compelled to go back to a situation which prevailed many years ago, namely, when the Workman was retrenched".

28. **The Hon'ble Supreme Court of India** in its another case of **Jagbir Singh v/s Haryana State Agriculture Marketing Board & anr. reported in 2009 III CLR 628** it has been held that *"it is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an Employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in the recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given factual situation even though the termination of an Employee in contravention of the prescribed procedure, compensation instead of reinstatement has been held to meet the ends of justice"*.

29. Thus, the Hon'ble Apex Court in its various series of decisions has consistently held that a relief of reinstatement with full back wages and consequential benefits is not automatic, even if the termination of the Workman is illegal or in contravention of prescribed procedures. I am bound by the precedent laid down by the Hon'ble Apex Court in its aforesaid decisions.

30. In the case in hand, the evidence on record indicates that the Workman is working as house maid in the house of one Mrs. Tulia and she is being paid ` 1,500/- p.m. after the termination of her services by the Employer. The evidence on record further indicates that the Workman sometimes renders services to the Colva Church and in turn the said Colva Church is paying ` 100/- per visit. The evidence on record indicates that the monthly salary of the Workman at the time of termination of her services was ` 5,000/- p.m. Thus taking into consideration the length of service rendered by the Workman with the Employer, the income received by the Workman by way of employment as maid servant etc. and the termination of her services by the Employer for no fault of her, it will be fair and proper to reinstate the Workman in the employment of the Employer with 50% of back wages.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceed ahead to adjudicate the reference as under:

ORDER

1. It is held that the action of the management of St. Rita's Church, Maina, Curtorim-Goa, which runs the St. Rita's Boy's Boarding in terminating the services of Smt. Francisca Costa, 'Head Cook' at St. Rita's Boys Boarding with effect from 01-10-2005, is illegal and unjustified.
2. The management of St. Rita's Church, Maina, Curtorim which runs St. Rita's Boy's Boarding, Maina, Curtorim-Goa, is hereby directed to reinstate the Workman in services alongwith 50% back wages.
3. No order as to cost.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2012-LAB/51

The following award passed by the Labour Court-II, at Panaji-Goa on 06-12-2011 in reference No. IT/28/06 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).

Porvorim, 10th January, 2012.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/28/06

All Goa General Employees Union,
P. O. Box No. 90,
Vasco-da-Gama-Goa. ... Workmen/Party I
V/s
M/s. Kodak India Ltd.,
L-16, Verna Industrial Estate,
Verna-Goa. ... Employer/Party II

Workmen/Party I represented by Adv. Shri P. J. Kamat.

Employer/Party II represented by Adv. Shri M. S. Bandedkar.

Panaji, Dated 06-12-2011

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by Order dated 17-07-2006 bearing No. 28/16/2006-LAB/440, referred the following dispute for adjudication by this Labour Court-II of Goa.

- "(1) *Whether the action of the management of M/s. Kodak India Limited, in terminating the services of Shri Dharmendra M. Fadte, Operator with effect from 15-09-2003, is legal and justified?*
- (2) *If not, to what relief, the Workman is entitled?"*

2. On receipt of the reference, a case was registered under No. IT/28/06 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'Workman'), filed his statement of claim on 24-01-2007 at Exb. 4. The facts of the case in brief as pleaded by the Workman are that All Goa General Employees Union of Workmen (for short, 'the said Union') is espousing the cause of the Workmen of the Employer Company for the last eight years before various authorities. The Workman stated that he was initially appointed as a 'Trainee Operator' from 02-02-1995 and his services were confirmed thereafter. He stated that his last drawn wages were about ` 6,500/- p.m. He stated that he was elected as President of the local committee of the said Union for taking up the day-to-day grievances of the Workmen with the Management of the Employer Company. He stated that being an Office Bearer of the said Union, he was a "Protected Workman" as per Sec. 33 of the I. D. Act, 1947. He stated that since he was taking up the grievances of the Workmen of the Employer Company, the Employer Company was hostile towards him and was waiting for an opportunity to dismiss him somehow or the other. He stated that a section of Workmen of the Employer Company had resorted to strike w.e.f. 27-09-2000 as the Employer Company failed to resolve the grievances of their Workmen whose strike continued upto 04-10-2000. He stated that the said strike was spontaneous without consulting the local committee of the Union

or him. He stated that the said strike was withdrawn w.e.f. second shift of 05-10-2000 under a settlement dated 04-10-2000 before the Deputy Labour Commissioner and Conciliation Officer, Margao. He stated that since the strike was spontaneous, he desired to contact their Union Office at Vasco-da-Gama to appraise of the said strike. He stated that he thereafter with the permission of the superior went into the cabin of the Production Engineer to contact the said Union. He stated that taking this as an opportunity to get rid of him, the Employer Company concocted a false case against him and framed a charge-sheet against him and others.

3. He stated that he alongwith five other Workmen, namely Bharat Chavan, Reshma Gaonkar, Chandrashekhar Lono, Umesh Usapkar and Mahesh Desai were issued charge-sheets for misconducts alleged to have been committed during the strike period and suspended them pending enquiry. He stated that he was issued a charge-sheet dated 28-09-2000 alleging certain acts of misconduct stated therein. He stated that he was also issued another charge-sheet dated 29-09-2000 alleging that when an attempt was made to serve a charge-sheet dated 28-09-2000 to him, he refused to accept the same in the presence of Mr. R. R. Mehta, Prashant Raje, Apoorva Kulkarni & Jaideep Redkar inspite of reminding that refusal to accept is a misconduct under the certified standing orders of the company. He stated that thereafter the Employer Company conducted an enquiry against him and dismissed him from the services w.e.f. 15-09-2003 vide letter dated 15-09-2003.

4. He submitted that the principles of natural justice have not been followed by the Enquiry Officer and the Employer Company while conducting an enquiry and thereafter before taking the final action. He contended that the charges and the allegations made in the charge-sheet are vague, indefinite and lacking in material particulars. He contended that the copies of the documents on which the charges were based were not furnished to him alongwith the charge-sheet dated 28-09-2000 & charge-sheet dated 29-09-2000. He contended that the Employer Company failed to give him an opportunity to submit his explanation to the charge-sheet before commencement of the enquiry. He contended that the Employer Company has not followed the provisions of its Certified Standing Order. He contended that the Enquiry Officer has allowed the Employer Company to produce the unlisted documents in the enquiry without his consent and without giving him copies in advance. He contended that his plea was recorded by the

Enquiry Officer at the commencement of the enquiry. He contended that the findings of the enquiry are not based on the evidence on record. He contended that the Enquiry Officer has only discussed the contradictions in defense evidence and deliberately neglected to discuss the major contradictions in the management evidence.

5. He contended that no show-cause-notice on punishment was issued to him before awarding the punishment of dismissal. He contended that the punishment imposed is disproportionate to the misconducts alleged to have been proved against him. He contended that the Employer Company has not considered the comments dated 10-09-2003 made by the Union on the findings of the Enquiry Officer and have disagreed with the comments without going through the same in detail and without applying his mind to the issues raised. He submitted that the Employer Company has not taken into consideration his past records at the time of taking action.

6. He stated that after receipt of the order of dismissal, the Union made a demand dated 18-09-2003 on the Employer Company, which was not considered by them and therefore the Union has raised an industrial dispute before the Conciliation Officer of the area in respect of the illegal termination of his services, which ended in failure. He submitted that his services have been terminated without any reasonable cause and for no misconduct committed by him. He submitted that the disciplinary proceedings held against him is illegal, unfair and improper and is in violation of principles of natural justice and fair play. He submitted that the order of dismissal is perverse and has been issued without application of mind, hence the action of dismissal is contrary to law. He submitted that the penalty of dismissal from services awarded to him is too excessive and severe and not commensurate to the alleged offence. He submitted that the punishment awarded to him is such that no reasonable person could award if assuming that if the charges alleged against him are proved. He therefore prayed that the termination of his services by the Employer Company be declared as illegal and unjustified and direct the Employer Company to reinstate him in services with full back wages, continuity in services and all other benefits and privileges attached to the post.

7. The Employer Company filed its written statement on 16-07-2007 at Exb. 5. The Employer Company controverted the claim of the Workman preliminarily on the ground that the entire

reference is bad-in-law, not maintainable and ought to be rejected.

The Employer Company stated that she is in the business of finishing of films, which products are very delicate, sophisticated and costly. The Employer Company however admitted that the Workman in reference was appointed as an 'Operator' from 02-02-1996 vide letter dated 02-02-1996, wherein the terms and conditions of employment were specified and the same were accepted by the Workman. The Employer Company stated that subsequently, the Workman was confirmed in services w.e.f. 02-08-1996. The Employer Company stated that the Workman with the help of some other workers formed an Union affiliated to All Goa General Employees Union (CITU) and he became the President of the local committee of the said Union. The Employer Company stated that according to job requirement, on 07-09-1999, he was required to inspect six samples of second forms after every 2500 Nos. produced. The Employer Company stated that it was observed during the inspection check that the machine was producing defective second forms products and the Workman failed to detect the defect, however he intentionally and carelessly made the entries in the record stating that the machine was producing good product. The Employer Company stated that the Workman even started interfering with the works of the other Workmen and there were various complaints against him. The Employer Company stated that somewhere on 08-10-1999, the said Workman entered in Q. C. Department and after completing his work, instead of leaving Q. C. Department, he illegally sat on the stool in the department and started discussions with other Workmen, thereby disturbing other workers working in the department. The Employer Company stated that when the Workman was asked by Mr. Subhash Surlakar not to disturb the other workers, he not only started arguing with the said Mr. Subhash Surlakar, but also threatened him with dire consequences and abused him with filthy language. The Employer Company stated that the Workman not only continued his illegal activities within the Q. C. Department, but also continued his illegal and unjustified activities when the said Mr. Surlakar boarded the bus, after his shift, the Workman illegally entered in the said bus and abused and insulted Mr. Subhash Surlakar. The Employer Company stated that the Workman admitted his illegal acts before his superiors, when he was asked by the said superior. The Employer Company stated that the Workman further told that he wanted to hit and assault the said Mr. Subhash

Surlakar. The Employer Company stated that the Workman also further told his superior that the said incident occurred after the shift work and on the way to home outside the premises and the superiors should not interfere with him. The Employer Company stated that thereafter on the next day i.e. on 8-10-1999 when again the Workman was asked/enquired by Mr. Shirish Phal and Mr. P. C. Rege, Sr. Manager-Personnel and Administration, he admitted that he was involved in the said incident of 8-10-1999. The Employer Company stated that a warning letter dated 16-10-1999 was issued to the Workman stating that they have taken a lenient view in the matter and was further cautioned and advised to behave properly and observe proper discipline and that any repetition of such or similar incidents in future, would entail strict disciplinary action as permitted by law.

9. The Employer Company stated that though the above said warning letter was served upon the Workman by Mr. Shirish Phal in the office premises, he however refused to accept the same. The Employer Company stated that since the communication served upon by them was refused by the Workman, Mr. P. C. Rege, Sr. Manager, Personnel & Administration read out clause at Sr. No. XXV of the Certified Standing Order of the company and explained to the Workman that refusal to accept any communication from the Management served in person amounts to misconduct. The Employer Company stated that even after explaining that such an act of refusing to accept any communication from the Management will amount to misconduct, he refused to accept the same. The Employer Company stated that the Workman was therefore issued a show cause notice dated 23-10-1999, wherein the Management withdrew lenient view which was taken vide letter dated 16-10-1999 against him and he was asked to show cause within seventy two hours as to why strict disciplinary action should not be taken against him as alleged in the said memo dated 16-10-1999. The Employer Company stated that the Workman filed his reply vide his letter dated 04-11-1999, stating that the incident occurred in a fit of anger and he requested the Management to take a lenient view. The Employer Company stated that the Workman also assured them that he will change his behavior and such things will not happen again. The Employer Company stated that they therefore took a lenient view in the matter taking into consideration his assurance.

10. The Employer Company stated that thereafter also there was no improvement in the attitude of

the Workman and on the contrary started misbehaving with the other co-workers and trainees and disturbing the peace and discipline of the establishment. The Employer Company stated that on 03-07-2000, he shouted and abused Mr. Milfred Costa Fernandes-Jr. Engineer in front of other workers. The Employer Company stated that on 04-07-2000, the Workman misbehaved with Mr. Ralph Gomes, a Trainee. The Employer Company stated that on 10-07-2000, the Workman while travelling in the bus said to Mr. Milfred Fernandes and Ralph Gomes that "someone's leg had become too long and he would cut it the next day", for which act the Workman was warned by them and asked him not to indulge in such activities which are detrimental to the smooth functioning and discipline of the establishment. The Employer Company stated that however there was no improvement in his behavior.

11. The Employer Company stated that even after giving so many opportunities to improve his behavior, the Workman again on 27-09-2000 at around 3.00 p.m. entered in the cabin of Production Engineers without permission and misbehaved with and shouted on Mr. S. Saravanan, the Assistant Manager, Film Finishing Division. The Employer Company stated that on the same day he tried to play a mischief by telling the utility personnel to switch off the DG power supply to the plant and also threatened the said utility persons of dire consequences. The Employer Company stated that the Workman also misbehaved and abused the Housekeeper Personnel, Security Supervisor and Mr. Sadashiv Kavtankar, Engineer. The Employer Company stated that since the entire acts on the part of the Workman were misconducts as per the Certified Standing Order, he was issued a charge-sheet dated 28-09-2000 giving details of his acts. The Employer Company stated that though the said charge-sheet was served upon him personally, the Workman however refused to accept the same and therefore he was issued an additional charge-sheet dated 29-09-2000.

12. The Employer Company stated that though the Workman submitted his reply to both the charge-sheets, the same was not found to be satisfactory and hence an enquiry was conducted into both the charge-sheets. The Employer Company stated that it has conducted an enquiry in a fair and proper manner by following the principles of natural justice and the provisions of its Certified Standing Order. The Employer Company stated that the findings of the Enquiry Officer are based on the oral as well as documentary evidence. The Employer

Company stated that the Enquiry Officer held that all the charges levelled against the Workman are found proved. The Employer Company submitted that they after going through the enquiry proceedings and its connected papers and evidence on record, the management concurred with the findings of the Enquiry Officer and a show cause notice dated 15-04-2003 was issued to the Workman alongwith the copy of findings.

13. The Employer Company stated that since the Workman was not participating in the enquiry and the communication sent to his address were returned with postal remarks, they enquired and made investigations and it was observed that the Workman has taken employment abroad and still he is working abroad. The Employer Company stated that during the enquiry itself, it was revealed that the Workman had gone abroad. The Employer Company stated that the Workman did not reply to the said show cause notice, however the General Secretary of All Goa General Employees Union submitted to be a purported reply dated 10-09-2003 wherein they tried to give justification by cooked story and false allegations/submissions. The Employer Company stated that it has gone through the said purported reply and found it far from satisfactory. The Employer Company further stated that the allegations made in the said purported reply were totally false, baseless and mischievous and it denies the same. The Employer Company submitted that considering the seriousness and gravity of misconducts found proved against the Workman and having regards to his past records, they came to the definite conclusion that no leniency was warranted and therefore the Workman was dismissed vide letter dated 15-09-2003.

14. The Employer Company submitted that punishment of dismissal imposed on the Workman is just, fair, proper, proportionate and commensurate with the proved charges of misconduct and his past records. The Employer Company denied the case of the Workman as stated in their claim statement filed in the present proceedings and prayed for dismissal of the present reference issued by the Government.

15. Thereafter, the Workman filed his re-joinder on 04-01-2008 at Exb. 9. The Workman by way of his re-joinder reiterates and confirms all the submissions and averments made by him in his claim statement to be true and correct and denies all the statements and averments made by the Employer in its written statement which are contrary and inconsistent with the statements and averments made by him. The Workman admitted

that on 07-09-1999, he was required to inspect six samples of Second Forms after every 2500 Nos. produced. He stated that he had done his job honestly and he had not found any defective product. He stated that on 08-10-1999, he had gone to the Q. C. Department, for delivering a sample and after completing his work, instead of leaving the Q. C. Department he sat on the stool in the Department as he was not feeling well. He stated that a warning letter dated 16-10-1999 was issued to him and as he was in a disturbed mind for making a false complaint against him, he had refused to accept the said warning letter dated 16-10-1999. He stated that he had accepted the said letter subsequently and filed his explanation on 04-11-1999, explaining the true facts. He admitted that he was issued a show cause notice for refusal to accept the warning letter dated 16-10-1999 issued to him and he regretted for his said act of refusal to accept the warning dated 16-10-1999 vide his reply dated 04-11-1999. He stated that the Employer Company did not enquire into the allegations of Mr. Surlakar and his denial and allowed the issue to rest without any further action. He stated that he had not committed any acts of misconduct, but the charge-sheet dated 28-09-2000 was prepared on concocted charges and was read over to him, but not offered the same to him. He submitted that the Employer Company mechanically concurred with the findings of the Enquiry Officer and had issued a show cause notice as the Employer Company had decided to get rid of him at any cost. He stated that All Goa General Employees Union had filed a detailed reply on his behalf on the findings of the Enquiry Officer as well as show cause notice and pointed out as to how the Enquiry Officer has erred in his conclusions. However, the Employer Company did not consider their reply and dismissed him vide letter dated 15-09-2003.

16. Based on the pleadings of the respective parties filed in the present proceedings, the Hon'ble Industrial Tribunal-cum-Labour Court framed the following issues at Sr. Nos. 3 to 5 on 05-02-2008 at Exb. 10. The issue Nos. 1 & 2 were framed subsequently by this Court vide its order dated 26-06-2008 disposing off an application filed by the Workman and are treated as preliminary issues.

1. Whether the Party I/Workman proves that the domestic enquiry held against the Workman is not fair, proper and impartial?
2. Whether the charges of misconducts levelled against the Party I/Workman are proved to the satisfaction of the Court by acceptable evidence?

3. Whether the Party I proves that the termination of his service by the Party II is illegal and unjustified?
4. Whether the Party I proves that the punishment imposed is disproportionate to the alleged misconduct?
5. Whether the Party I proves that he is entitled for reinstatement with full back wages, continuity in service and other benefits?

17. My answers to the aforesaid issues are as under:

- | | |
|---------------|------------------|
| Issue No. 1 : | In the Negative. |
| Issue No. 2 : | In the Negative. |
| Issue No. 3 : | In the Negative. |
| Issue No. 4 : | In the Negative. |
| Issue No. 5 : | In the Negative. |

REASONS

Issue Nos. 3 & 4:

18. It appears from the pleadings filed by the Workman in the present case that he is aggrieved by the order of his dismissal w.e.f. 15-09-2003 issued by the Employer Company. The Union therefore espoused the order of dismissal of the Workmen by raising the present Industrial Dispute by contending that no fair and proper inquiry was held against the Workman and that the findings of the Enquiry Officer are not based on evidence on records and hence the action of the Employer Company in dismissing him from the services w.e.f. 15-09-2003 is illegal and unjustified. The burden to prove the said contention is therefore on the Workman/Union.

I have heard the arguments of Ld. advocates appearing for the respective parties. I have also carefully perused the records of the case and also considered the various oral as well as written submissions made by the Ld. Advocates for the respective parties.

19. While deciding the preliminary issues Nos. 1 & 2, I have already discussed and came to the conclusion vide order passed in my Interim Award dated 17-08-2010 that a fair, proper and impartial enquiry was conducted by the Employer Company against the Workman in accordance with the principles of natural justice and that the charges of misconduct levelled against the Workman by two separate charge-sheets i.e. charge-sheet dated 28-09-2000 & charge-sheet dated 29-09-2000 have been proved satisfactorily by an acceptable evidence.

20. It is the contention of the Union that the Workman was not heard on the point of sentence before the termination of his services with effect from 15-09-2003 and after the findings have been submitted by the Ld. Enquiry Officer. On the contrary, it is the contention of the Employer that they had issued a show cause notice dated 16-07-2003 alongwith a copy of the findings submitted by the Ld. Enquiry Officer to the Workman at his last known address by Registered A/D. The said show cause notice returned back with postal remark "unclaimed, returned to sender", "intimated". The Employer submitted that the Workman did not reply to the said show cause notice, but the Union submitted a reply dated 10-09-2003 on behalf of the Workman.

21. The Employer in order to prove its aforesaid contention, produced on record, a copy of the said show cause notice dated 16-07-2003 as well as registered A/D card issued to the Workman at his last known address in support of its oral evidence. The oral as well as documentary evidence of the Employer's Witness Shri Brian Barreto indicates that the Workman was issued a show cause notice alongwith a finding of the Enquiry Officer dated 08-07-2003 in the matter of the enquiry held by Shri K. V. Nadkarny by Registered A/D post and had sought his comments if any. The said show cause notice issued to the Workman at his last known address by Registered A/D returned back with postal remark "unclaimed, returned to sender", "intimated". It is settled principle of law that an unclaimed service is a valid service in the eyes of law. Hence, it is held that the said show cause notice was duly served upon the Workman. The evidence on record further indicates that the Workman did not reply to the said show cause notice, but the Union submitted a reply dated 10-09-2003 on behalf of the Workman. Hence the contention of the Workman that he was not heard on the point of sentence before the termination of his services w.e.f. 15-09-2003 is without any merits.

22. It is the further contention of the Workman that the punishment of dismissal from service awarded to him is too excessive, severe and not commensurate to the alleged offence and that the Employer has not taken into consideration the past record of the Workman at the time of taking action. On the contrary, the Employer contended that it has dismissed the service of the Workman after considering the seriousness and gravity of proved misconducts against him and having regards to his past records it has come to the definite conclusion that no leniency was warranted.

23. Admittedly, the following charges of misconduct were levelled against the Workman vide charge-sheet dated 28-09-2000 & charge-sheet dated 29-09-2000 have been proved in the enquiry.

25(i) willful insubordination of disobedience of any lawful and reasonable order of a superior.

25(ii) instigating or resorting to obstruction aimed at or outside resulting in paralyzing the normal conduct or work of the company.

25(xxvii) using abusive language and threatening or intimidating any person within the company premises violating common decency.

25(xii) an act subversive of discipline.

25(xxvi) unauthorized use of company's property.

25(xxxv) restraining any employee either inside or outside the premises of the establishment.

25(xl) use of impolite or insulting or abusive language within the premises of establishment against any superior or any person authorized to work in the establishment and any such act outside the premises of the establishment and/or if it effects or is likely to affect the discipline or work or business or reputation of the company.

25. The Employer has also produced on record various documentary evidence in support of its oral evidence through its witness, Shri Brian Barreto to highlight the past records of the Workman. The said oral as well as documentary evidence of the said Employer's Witness, Shri Brian Barreto indicates the past records of the Workman. The appointment letter dated 02-02-1996 issued to the Workman at Exb. E/4 indicates that the Workman was appointed as an 'Operator' by the Employer and confirmed in the said post vide its letter dated 01-08-1996 at Exb. E/5. The letter of the Employer dated 08-09-1999 at Exb. E/6 addressed to the Workman indicates that on 07-09-1999, the machine was producing defective second forms products and on investigation it was revealed that the Workman had failed to detect the defect in the samples of second forms, and filled in the records that the machine was producing good products. The Workman admitted the aforesaid lapses on his part after it was brought to his notice, the aforesaid serious misconduct of gross negligence and the Employer cautioned and advised him to be more attentive in his work and any repetition of such incident in future would entail appropriate disciplinary action. It appears that the said letter at Exb. E/6 was received by the Workman on 08-09-1999. The letter dated 09-10-1999 of Shri Subhash Surlakar, the Jr. Officer in Q. C. department addressed to the Employer

(Exb. E/8) indicates that he had reported to the management that the Workman was disturbing him while working on 08-10-1999 by illegally sitting on the stool. He further stated that on 09-10-1999, the Workman entered into the bus in which he was travelling and abused him in filthy language. Further, the report of Mr. Shirish Phal, Supervisor and Engineer Film Finishing at Exb. E/7-Colly issued to the Employer corroborates with the report of Shri Subhash Surlakar at Exb. E/8. The letter of the Employer dated 16-10-1999 (Exb. E/1) addressed to the Workman indicates that in pursuance to the said report of the said Shri Subhash Surlakar at Exb. E/8 as well as Shri Shirish Phal at Exb. E/7-Colly, the Employer cautioned him by pointing out his aforesaid act of misconduct and further advised him to behave properly and observe proper discipline. It appears that the Workman had refused to accept the said letter of the Employer at Exb. E/1. The Employer therefore vide its show cause notice dated 23-10-1999 (Exb. E/2) addressed to the Workman sought his explanation for his misconduct of refusal to accept any communication from it. The letter of the Workman dated 28-10-1999 at Exb. E/9 indicates that the Workman had sought time to submit his explanation to the show cause notice at Exb. E/2. The letter of the Employer dated 29-10-1999 alongwith registered A/D card at Exb. E/10 colly indicates that the Employer extended the time for submitting his written explanation to the show cause notice at Exb. E/2. The letter of the Workman dated 04-11-1999 at Exb. E/3 addressed to the Employer indicates that the Workman has admitted of having committed the misconduct in a fit of anger and requested for taking a lenient view and closing the matter. The letter of the Employer dated 05-11-1999 at Exb. E/11 indicates that since the Workman had admitted the incident and regretted for the same, the Employer had taken lenient view in the matter of show cause notice dated 23-10-1999 (Exb. E/2). Further, the incident reported by Shri Ralf Gomes on 04-07-2000 at Exb. E/12, Shri Vithal Kamat (Exb. E/13), Shri Milfred Costa Fernandes (Exb. E/18) and the charge-sheet dated 06-07-2000 issued to the Workman (Exb. E/14) indicates that the Employer had issued a charge-sheet dated 06-07-2000 (Exb. E/14) to the Workman alleging misconduct of willful insubordination and disobedience of any lawful and reasonable order of a superior, act subversive of discipline, not working during working hours, wrongful interference with the work of other Workmen or of any other person authorized by the Management to do any work, use of impolite and insulting language against the supervisor and remaining absent from the allotted

place of work without prior permission of the supervisor.

26. The Employer's Witness, Shri Brian Barreto in his cross-examination deposed that he has no personal knowledge of the facts stated by him in his affidavitory evidence, but his oral evidence are based on the records maintained by the Employer. He also deposed that he has no personal knowledge of the documents referred by the Vice-President of the Employer before issuing a dismissal order dated 15-09-2003 to the Workman. The said witness however denied that the various reports produced by him on record at Exb. E/7-Colly, E/8, E/12, E/13, E/16, E/17 & E/18 were never signed by the signatory of the said reports and the same are fictitious.

27. Merely, because the said witness of the Employer, Shri Brian Barreto does not have the personal knowledge of the facts stated by him on oath, his testimony cannot be disbelieved. The oral evidence of the facts can be deposed based on the records maintained by the party or any person. Even otherwise, the Employer is a corporate body and always represented by its Principal Officer. The said witness of the Employer denied that the said various reports of the incident produced by him on record are false and fictitious. The Workman has however failed to rebut the said oral as well as documentary evidence adduced by the Employer through its witness by producing any cogent evidence on record.

28. Thus, the evidence on record indicates that the Workman has not only committed the misconducts levelled against him vide charge-sheet dated 28-09-2000 & charge-sheet dated 29-09-2000, but also had committed the misconducts of abusing and threatening of his co-employee/superior and refusal of communications etc. In my opinion, the charges of misconducts levelled and proved against the Workman vide charge-sheet dated 28-09-2000 and charge-sheet dated 29-09-2000 are grave and serious in nature. Taking into consideration the past records of the Workman as well as charges proved against him, it does not call for any interference with the punishment imposed by the Employer in its discretion. In the circumstances it is held that the punishment imposed on the Workman by the Employer is proportionate and commensurate to the misconducts committed by him which includes his past misconducts. Hence this Court shall not interfere with the punishment given by the Employer in its discretion.

29. *Ld. Adv. Shri P. J. Kamat* in its synopsis of written arguments filed in the present proceedings

relied upon a decision of Hon'ble Supreme Court of India in the case of *Colour Chem Ltd. v/s A. L. Alaspurkar and Ors.* reported in 1998, 1 CLR 638, wherein it has been held that "the punishment of dismissal for sleeping in the working hours of the night shift having kept the machine in the running condition without seeing to it that proper raw material was inserted therein, is disproportionate to the misconduct proved".

In the said case, before the Hon'ble Supreme Court of India the Respondent had committed a misconduct of sleeping during working hours. The Hon'ble Apex Court has held that the punishment of dismissal is disproportionate to the proved misconduct. However, in the case in hand, the Workman is not only guilty of misconduct of abusing co-worker/superior, threatening employee either outside the premises of the establishment etc., but also instigating or resorting to obstructions aimed at or outside resulting in paralyzing the normal conduct or work of the Company which are more serious in nature. Hence, the law laid down by the Hon'ble Apex Court in its aforesaid decision is not applicable to the present case.

30. On the contrary, Ld. Adv. Shri M. S. Bandodkar, representing the Employer in his synopsis of written arguments relied upon following decisions of Hon'ble Supreme Court of India.

31. In the case of **New Shorrock Mills v/s Mahesh T. Rao** reported in 1997 1 CLR 13 the Hon'ble Supreme Court has held that, "*Labour Court in the present case, having come to the conclusion that the findings of the departmental enquiry was legal and proper and the respondents order of discharge was not by way of victimization and that the respondent was a Workman had seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishments which was awarded, in the manner it did. This is not a case where the Court could come to the conclusion that the punishment which was awarded was shockingly disproportionate*".

32. In the case of **Mahindra and Mahindra Ltd. v/s N. B. Narawade** reported in 2005 I CLR 803 the Hon'ble Supreme Court has held that, "*language used by Respondent Workman is such that it cannot be tolerated by any civilized society and use of such abusive language, against a superior Officer in the presence of subordinates cannot be termed to be an indiscipline calling for a lesser punishment in the absence of extenuating factors*".

33. In the case of **M/s. Tata Engineering & Locomotive Company Ltd. v/s N. K. Singh** reported

in 2007 LLR 109 the Hon'ble Supreme Court has held that, "*where Workman was found guilty of serious misconduct of assault, Labour Court would not be justified to hold punishment disproportionate and set it aside as such the leniency shown would encourage indiscipline. The Labour Court erred in setting aside the dismissal of the Workman for major misconduct after holding of a valid enquiry and High Court also misdirected in upholding the award of the Labour Court without indicating any reason*".

34. In the case of **Maharashtra State Road Transport Corporation v/s D. C. R. Mishra & Anr.** reported in 2009 III CLR 388 wherein, the Hon'ble High Court of Bombay has held that, "*Even Industrial Court has held that Respondent No. 1 did abuse the Officer concerned. The learned member forgot that such abusing is intimidating tactic which eventually results in good sensitive person to either give up a job to avoid such insults or to surrender to the bullies. Therefore, the learned member should not have treated the incident as trifle and should have seen that the punishments imposed, was not at all harsh*".

35. In the case of **Premier Automobiles Ltd. v/s H. S. T. Hegde & Ors.** reported in 2006 III CLR 527 the Hon'ble High Court of Bombay has held that, "*if the Management taking into consideration all the facts including the past conduct of the Respondent came to the conclusion that the punishment of dismissal was necessary. It cannot be said that punishment imposed was harsh and excessive*".

36. Thus, from the aforesaid decision the Hon'ble Apex Court has consistently held that where the misconduct committed by the Workman is grave & serious, the punishment of dismissal/discharge from the service is fair & proper. It is therefore held that the punishment upon the Workman is proportionate to the proved misconduct and the past record of the Workman. The issue No. 4 is therefore answered in the negative.

Issue No. 5:

37. While deciding the issue Nos. 3 & 4 hereinabove, I have come to the conclusion and held that the punishment of dismissal from service imposed on the Workman by the Employer is proportionate to the proved misconduct and his past records. While deciding the issue No. 3 hereinabove, I have come to the conclusion and held that the action of the Employer in terminating the services of the Workman w.e.f. 15-09-2003 is just, legal, fair and proper and commensurate to the proved misconduct.

38. The Workman having failed to prove that the action of the Employer in terminating his services is illegal and unjustified and/or the punishment of dismissal from service imposed upon him is disproportionate to the proved misconduct on his part, failed to prove that he is entitled to any relief including the relief of reinstatement with full back wages, continuity in service and other benefits. Hence the Workman is not entitled to any relief from the Employer.

In view of the above, I proceed to pass the following Order:

ORDER

1. It is held that the action of the management of M/s. Kodak India Ltd. in terminating the services of Shri Dharmendra M. Fadte, Operator, with effect from 15-09-2003, is legal and justified.
2. The Workman, Shri Dharmendra M. Fadte is not entitled to any relief.
3. No order as to costs.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2012-LAB/50

The following award passed by the Labour Court-II, at Panaji-Goa on 14-11-2011 in reference No. IT/40/08 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 10th January, 2012.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/40/08

Shri Kumar Naik,
Housing Board Colony,
Ward-II, Room No. 329,

Near Santoshi Mata Temple,
New Vaddem,
Vasco-da-Gama.

... Workman/Party I

V/s

The Chief Officer,
Mormugao Municipal Council,
Mormugao-Goa.

... Employer/Party II

Workman/Party I represented by Adv. M. A. Fernandes.

Employer/Party II represented by Adv. Hyder Khilji.

Panaji, Dated 14-12-2011

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Goa by order dated 03-11-2008 bearing No. 28/21/2008-LAB/1555, referred the following dispute for adjudication by the Industrial Tribunal of Goa.

"(1) Whether the action of the Mormugao Municipal Council in refusing employment to the Workman, Shri Kumar V. Naik, Watchman/Security, with effect from 20-08-2007, is legal and justified?"

(2) If not, what relief, the Workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/40/08 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'Workman'), filed his statement of claim on 19-02-2009 at Exb. 9. The facts of the case in brief as pleaded by the Workman are that he was appointed by the Employer/Party II (for short "Employer") as a 'Labourer' w.e.f. 22-07-2003 without issuing him letter of appointment. He stated that his duties were spelt out orally and he was allowed to sign the Muster Roll. He stated that thereafter he was promoted as 'Watchman/Security' to look after assets of the Employer. He stated that initially his working hours were fixed from morning 7.00 a.m. to 11.30 a.m. and from 14.00 hrs. to 17.30 hrs. with a gap of lunch break. He stated that when he was promoted as 'Watchman/Security', his shift timings were 7.00 hrs. to 14.00 hrs. in the first shift, in the second shift from 14.00 hrs. to 22.00 hrs. and in the third shift 22.00 hrs. to 7.00 a.m. of the next day. He stated that his services were illegally terminated by the Employer w.e.f. 20-08-2007. He submitted that he was not paid any compensation

at the time of termination of his services. He stated that his name was struck down by the Employer from its Muster Roll maintained for reporting the duty w.e.f. 20-08-2007. He stated that being aggrieved by the decision of the Employer in terminating his services, he raised an industrial dispute before the Deputy Labour Commissioner, Margao-Goa which ended in failure.

3. He submitted that he was not issued any memo etc. at the time of refusal of employment to him. He submitted that his sudden refusal of the employment by the Employer is illegal, unjustified and in violation of principles of natural justice. He contended that his refusal of employment w.e.f. 20-08-2007 is bad-in-law, malafide and vindictive. He contended that the refusal of employment to him is in violation of Sec. 25-F & Sec. 25-H of the I. D. Act, 1947. He contended that the Employer has not given any reason for refusal of his services. He contended that the Employer has employed new employees in the category of 'Watchman/Security' after termination of his services. He therefore prayed for reinstatement in service with full back wages and continuity in service.

4. The Employer filed its written statement on 25-03-2009 at Exb. 10, denying the termination of services of the Workman is illegal and unjustified. The Employer submitted that the claim of the Workman is neither maintainable in facts nor in law and hence the same is reserved to be dismissed in limine. The Employer submitted that the Workman has approached this Court with malafide intention, ulterior motive and for illegal gain knowing well that he does not have any case as he was not its regular employee, but was a daily rated worker on day-to-day basis, without having any legal right to his employment.

5. The Employer stated that it is a local body/statutory body having a separate legal entity and functions under the G.D.D. Municipalities Act, 1968 as amended upto date and the rules framed there under. The Employer stated that the permanent, temporary and ad hoc employees are allowed to sign on the Muster Roll maintained by it and daily wages workers/labourers are marked present on different Registers maintained by their Administrative Section. The Employer stated that the Workman was allowed to sign the Muster Roll of daily labourers employed by them. The Employer stated that it has been carrying out its functions in different fields strictly as per the provisions of Municipalities Act and the Rules framed there under. The Employer stated that the Workman was daily rated worker and as such he did/does not

have any right and protection under the law as neither any employment letter was issued to him nor he was on regular roster. The Employer stated that as and when the Workman came for work, the work was assigned to him and the payment was made accordingly. The Employer stated that if the Workman did not report for work, he was not questioned for the same as he was only daily rated worker. The Employer stated that as per the extract of Muster Roll maintained by it for the month of July, 2003, the Workman had hardly worked for 17 days. The Employer submitted that since the Workman was not their regular/permanent/temporary employee, he was not entitled for any type of holidays and other benefits on par with regular staff. The Employer denied that the Workman was promoted as 'Watchman/Security'. The Employer stated that the Workman was never appointed under any requirement scheme and therefore the question of behest of its rights does not arise. The Employer stated that the Workman did not render more than 365 days of continuous service to them. The Employer stated that the Workman did not attend his duty on 20-08-2007 without assigning any reasons nor made any representations to the Council immediately. The Employer stated that it has been reported by the acting Supervisor on 20-08-2007 that on 19-08-2007 the Workman had attended duty at about 2.00 p.m. instead of in the morning hours in a drunkard state and under the influence of liquor, he abused its two regular Watchmen, Shri Ramakant Tari and Shri Dyaneshwar Gawas. The Employer stated that after making an unbecoming drama within the Council Premises, the Workman did not come for work and in fact did not do any work thereafter and accordingly his name was struck off from the daily wage Register vide its Order No. MMC/ADM/ORD/0708/74 dated 22-05-2007. The Employer stated that it has left with no other option, but not to allow him to come and work being a daily wage worker. The Employer submitted that since the Workman was daily wage worker, the question of serving any memo does not arise. The Employer submitted that the Workman is not entitled to any weekly off or any other benefits as alleged and prayed for the dismissal of the present reference.

6. Thereafter, the Workman filed his re-joinder at Exb. 11 on 22-04-2009. The Workman, by way of his re-joinder denied each and every statement, averments and submissions made by the Employer vide their written statement filed in the present proceedings and reiterates and confirms the statements, averments and submissions made by him in his statement of claim.

7. Based on the pleadings filed by the respective parties, this Hon'ble Court framed the following issues at Exb. 12.

1. Whether the Workman/Party I proves that the action of the Employer/Party II in refusing him employment w.e.f. 20-08-2007 is illegal & unjustified?
2. Whether the Party II proves that the Party I was appointed as daily rated Workman for specific period?
3. Whether the Party II proves that there was no Employer/Employee relationship between herself & Party I?
4. Whether the Party I proves that he is entitled for any relief?
5. What order? What award?

8. My findings to the aforesaid issues are as under:

Issue No. 1	: Affirmative
Issue No. 2	: Partly in the affirmative & partly in negative
Issue No. 3	: Negative
Issue No. 4	: Negative
Issue No. 5	: Negative
Issue Nos. 6 & 7	: As per final order.

Reasons :

Issue Nos. 2 & 3 :

9. I am deciding issue Nos. 2 & 3 simultaneously first, prior to the issue No. 1 as the said Issue Nos. 2 & 3 are co-related to each other and goes to the very root jurisdiction of this Court.

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

10. Ld. Adv. M. Fernandes representing the Workman during the course of his oral arguments submitted that the Workman was initially appointed as a 'Labourer' in the year, 2003 without issuing him any appointment letter. He submitted that the Workman was promoted as 'Watchman/Security' from 01-09-2006. He submitted that the Workman was continuously working with the Employer from the date of his appointment as 'Labourer' till the date of his termination of his services w.e.f. 20-08-2007.

11. On the contrary, Ld. Adv. Shri Hyder Khilji representing the Employer during the course of his oral arguments submitted that the Workman was appointed as daily rated worker. He submitted that the services of the Workman were engaged by them as and when required due to exigencies of work as

daily rated worker. He submitted that being a daily rated worker, he has no right to his employment with them. He submitted that the Workman was never appointed by the Employer at any point of time, but his services were engaged for few days as a daily wage worker.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Advocates appearing for the respective parties.

12. By the present issue Nos. 2 & 3, the burden was put on the Employer to prove the said issues. The Employer in order to prove its case, examined her Chief Officer and four other witnesses. The oral evidence of the Employer's first witness, Shri Gopal Parsekar, the Chief Officer of the Employer's Municipality indicates that the Workman was daily rated worker, working with the Employer with effect from 22-07-2003. The said witness of the Employer in his cross-examination clearly admits that the services of the Workman were continuously utilized by the Employer since 22-07-2003 till 19-08-2007 (both dates inclusive). He also admits that the Workman had rendered continuous service of 240 days for every completed years of service to the Employer. The evidence on record indicates that the Workman was paid his wages by the Employer at the end of every month on the basis of the Attendance Register maintained by the Employer. The evidence on record clearly indicates that the services of the Workman were engaged by the Employer initially as a 'Labourer' and from 01-09-2006, he was drafted for the duties of 'Watchman/Security'. The evidence of the Employer's Witness No. 5 Mr. Marian Culaco on record indicates that the Workman had worked for the Employer since the year 2003 till August, 2007 regularly.

13. Though the Workman contended that he was a permanent Workman of the Employer Municipality, he failed to produce on record any cogent evidence in support of his contention. Merely because the Workman was drafted for duties of 'Watchman/Security' and/or allowed to sign the Muster Roll maintained by the Employer Municipality, ipso facto does not mean that he has acquired the status of permanent Workman in the absence of any deeming provision to that effect. Unless & until the Employer communicates in writing to the concerned Workman, he/she cannot validly claim to be a permanent Workman. Thus, the aforesaid evidence on record clearly proves that the Workman was orally employed by the Employer w.e.f. 22-07-2003 till 20-08-2007 as its labourer and paid his wages on

monthly basis on the basis of its attendance record maintained by them. Thus, the aforesaid facts clearly prove that the services of the Workman were engaged by the Employer on daily rated basis and that there was an Employer/Employee relationship between the Employer and the Workman. The issue No. 2 is therefore, partly answered in the affirmative and partly in the negative and the issue No. 3 is answered in the negative.

Issue No. 1:

I have heard the oral arguments of the Ld. Advocates appearing for the respective parties.

14. Ld. Adv. M. Fernandes representing the Workman during the course of his oral arguments submitted that the Workman was in employment of the Employer continuously from 22-07-2003 till the date of his termination of his services w.e.f. 20-08-2007. He submitted that the Workman has performed continuous service with the Employer preceding the twelve months from the date of termination of services w.e.f. 20-08-2007. He submitted that the Workman was refused employment allegedly on account of abusing the co-worker in a drunkard state by him. He submitted that the Workman has denied the said allegations levelled against him. He submitted that though the Employer contended that the Workman abused its co-worker after consuming liquor, the Employer has failed to investigate into the matter and/or failed to produce on record any cogent evidence in support of its aforesaid contention. He therefore submitted that the Employer failed to prove that the Workman had abused its co-worker in the state of drunk. He submitted that the Employer has however terminated the services of the Workman w.e.f. 20-08-2007 without issuing any show cause notice or charge-sheet or without holding any domestic enquiry into the alleged misconduct on the part of the Workman nor issued one month notice or one month pay in lieu of notice and paid his legal dues. He submitted that the Employer also failed to maintain seniority list in the said category of the Workman at the time of termination of his services. He submitted that the Employer after termination of services of the Workman has employed new employees. He therefore submitted that the action of the Employer in termination of the services of the Workman w.e.f. 20-08-2007 is in violation of Sec. 25-F, 25-G and 25-H of the I. D. Act, 1947 as well as the principles of natural justice and hence it is illegal and unjustified.

15. On the contrary, Ld. Adv. Shri Hyder Khilji representing the Employer during the course of his

oral arguments submitted that the Workman was appointed as daily rated worker. He submitted that the Workman being daily rated worker has no right of whatsoever nature to its employment. He submitted that the services of the Workman were terminated as he was involved in the misconduct of abusing its co-worker after consuming liquor. He submitted that thus the action of the Employer in terminating the services of the Workman w.e.f. 20-08-2007 is just, fair and legal.

I have carefully perused the records of the present case. I have also carefully considered various legal submissions made by the Ld. Advocates appearing for the respective parties.

16. Admittedly, the Employer Municipality is a local body/statutory body having a separate legal entity and functions under the G. D. D. Municipalities Act, 1968 as amended upto date and the rules framed thereunder. The evidence on record indicates that the Workman was orally appointed as its 'Labourer' w.e.f. 22-07-2003 on daily wage basis by the Employer without following the necessary required procedural formalities. Thus, the appointment of the Workman is de hors the rule. The Workman was paid his wages at the end of the month on the basis of the attendance record maintained by the Employer. The evidence on record indicates that the services of the Workman were continuously utilized by the Employer since 22-07-2003 till 19-08-2007 (both dates inclusive) as a daily rated worker. The evidence on record indicates that the Workman had rendered continuous service of 240 days for every completed years of service as well as 12 months from the preceding the date of his termination of his service. The evidence on record indicates that the Employer Municipality had published an advertisement in daily newspaper "Gomantak Times" dated 28-03-2008, thereby invited applications for the two vacant posts of 'Watchman'. The evidence on record also indicates that the Employer Municipality had recently regularized the services of its 40 daily rated workers after termination of service of the Workman. The evidence on record indicates that the Workman has been refused Employment orally by the Employer w.e.f. 20-08-2007. The evidence on record indicates that at the time of refusal of service of the Workman, no justification of whatsoever nature was given to him. The evidence on record also indicates that the Employer Municipality has not replied to the various representations of the Workman which are on record at Exb. W/1 to W/6.

17. It is the contention of the Employer that the Workman was appointed as its daily wage worker

on day-to-day basis without having any legal right to his employment. The Employer also contended that the termination of services of the Workman on account of his alleged misconduct i. e. abusing its co-worker with filthy language under the influence of liquor.

While deciding the Issue No. 2 hereinabove, I have come to the conclusion and held that the Workman was appointed orally as daily rated worker. The deployment of daily wagers commences in the morning and comes to an end in the evening. The contractual deployment of daily wager is for day-to-day. Hence, the daily rated worker is not entitled to an opportunity of hearing at the time of dispensation of his service on the ground of misconduct. Hence it is held that the Workman being a daily rated worker of the Employer, it does not require to observe the principles of natural justice.

18. The Employer Municipality contended that the services of the Workman has been terminated by them on account of his misconduct i.e. abusing its co-worker with filthy language under the influence of liquor. To prove its case, the Employer Municipality has examined its Chief Officer as well as four other employees namely, Shri Mahesh Kudalakar, Sr. Supervisor/Municipal Inspector, Shri Marian Culaco, Supervisor, Shri Ramakant Tari and Shri Dnyaneshwar Gawas, both workers, to whom the Workman alleged to have been abused. The Employer Municipality however failed to produce on record any cogent evidence in the form of documents such as any report/complaint of alleged abuse, resolution/action taken by the Employer on such report etc. in support of its oral evidence. The Employer first witness, Shri Gopal Parsekar, the Chief Officer of the Employer Municipality in his cross-examination clearly admitted that no justification was given by the Employer Municipality while terminating the service of the Workman. The aforesaid statement of the Employer's witness and its Chief Officer is contrary to the aforesaid stand taken by the Employer. The said statement of the Employer's witness clearly proves that the service of the Workman was orally terminated by the Employer without any reasons and otherwise then by way of punishment inflicted by way of disciplinary action. Hence, it is held that the Employer failed to prove that the refusal of employment to the Workman w.e.f. 20-08-2007 was on account of the alleged misconduct on the part of the Workman.

19. It is the contention of the Workman that the Employer has failed to issue one month notice in

writing to the Workman or one month pay in lieu of the notice and also failed to pay his legal dues, thus violated Sec. 25-F of the I. D. Act, 1947.

Admittedly, the Workman was in the employment of the Employer as a daily rated worker and was performing a work of unskilled nature. The Muster Roll of daily rated worker maintained by the Employer which is on record at Exb. W/14 colly indicates that the Workman had performed continuous service of 306 days for the preceding twelve months from the date of termination of his services as mandatorily required u/s 25-B of the I. D. Act, 1947. Even otherwise the Chief Officer of Employer Municipality, Shri Gopal Parsekar in his cross-examination clearly admitted that the services of the Workman were continuously utilized by them since 22-07-2003 till the date of refusal of his service w.e.f. 19-08-2007 as daily rated worker and the Workman had rendered continuous service of 240 days for every completed year of his service. Therefore, the Employer was mandatorily required to observe the provisions of Sec. 25-F of the I. D. Act, 1947 at the time of termination of service of the Workman as the I. D. Act, 1947 does not make any distinction between permanent, probationary or daily rated Workman especially in application of the aforesaid provision. The Employer has however terminated the services of the Workman without issuing him one month notice in writing or one month pay in lieu of notice or paid retrenchment compensation etc. at the time of his termination of services. Thus, the action of the Employer in terminating the services of the Workman w.e.f. 20-08-2007 is in violation of Sec. 25-F of the I. D. Act, 1947 and hence the termination of the service is ab initio null and void.

20. The evidence on record also indicates that the Employer Municipality has appointed two Watchmen by giving an advertisement in daily 'Gomantak Times' dated 28-03-2008 and also regularized the services of its forty daily rated workers after termination service of the Workman. Thus, the aforesaid action of the Employer is in violation of Sec. 25-H of the I. D. Act, 1947.

21. In the case of **Krishan Singh v/s Executive Engineer, Haryana State Agricultural Marketing Board, the Hon'ble Supreme Court of India in its Civil Appeal No. 2335 of 2010** has held that "*the oral termination of services of daily wagers without complying with the mandatory provisions of Sec. 25-F of the I. D. Act, 1947 is illegal & unjustified and directed the Respondent to reinstate the Appellant as a daily wager with 50% back wages*".

22. In the case of **Ramesh Kumar v/s State of Haryana reported in 2010 I CLR 549**, the Hon'ble Supreme Court of India has held that the termination of services of daily wages is in contravention of Sec. 25-F of the I. D. Act, 1947 after observing that the Appellant has completed continuous service of 240 days in preceding 12 months, High Court failed to appreciate this fact.

23. The principle laid down by the Hon'ble Apex Court in its aforesaid cases is squarely applicable to the present case. In the instant case, the Workman was working with the Employer Municipality continuously w.e.f. 22-07-2003 till 19-08-2007 as its daily rated worker. The Workman was however paid his wages at the end of the month on the basis of his attendance. The Workman had worked for 306 days during the period of 12 calendar months preceding the date of termination of his service. The Workman was orally refused employment w.e.f. 20-08-2007 without giving him one month notice in writing or one month pay in lieu of the said notice and retrenchment compensation. Thus, the action of the Employer Municipality in orally terminating the services of the Workman without complying Sec. 25-F of the I. D. Act, 1947 is illegal and unjustified. The issue No. 3 is therefore answered in the affirmative.

Issue No. 4 :

24. While discussing the issue No. 1 hereinabove I have already discussed and came to the conclusion that the action of the Employer in terminating the services of the Workman is illegal and unjustified.

25. The Hon'ble Supreme Court of India in the case of **Kendriya Vidyalaya Sangathan and anr. v/s S. C. Sharma 2005(104) FLR 863**. The Hon'ble Apex Court in para 15 of its aforesaid Judgement has ruled as under:

"15..... When the question of determining the entitlement of a person to back wages is concerned, the Employee has to show that he was not gainfully employed. The initial burden is on him. After and if he places material in that regard, the employer can bring on record materials to rebut the claim. In the instant case, the respondent had neither pleaded nor placed any material in that regard." I am bound by the precedent laid down by the Hon'ble Supreme Court of India in its aforesaid Judgement.

26. In the case of **M/s. Reetu Marbles v/s Prabhakant Shukla and anr., reported in 2010 (124) FLR 72**, the Hon'ble Supreme Court of India has held that *"Although direction to pay full back wages on a declaration that the order of termination was invalid used to be the usual result but now, with the*

passage of time, a pragmatic view of the matter is being taken up by the Court realizing that an industry may not be compelled to pay to the Workman for the period during which he apparently contributed little or nothing at all to it and/or for a period that was spent unproductively as a result whereof the employer would be compelled to go back to a situation which prevailed many years ago, namely, when the Workman was retrenched".

27. The Hon'ble Supreme Court of India in its another case of **Jagbir Singh v/s Haryana State Agriculture Marketing Board & anr. reported in 2009 III CLR 628** it has been held that *"it is true that the earlier view of this Court articulated in many decisions reflected the legal position that if the termination of an Employee was found to be illegal, the relief of reinstatement with full back wages would ordinarily follow. However, in the recent past, there has been a shift in the legal position and in a long line of cases, this Court has consistently taken the view that relief by way of reinstatement with back wages is not automatic and may be wholly inappropriate in a given factual situation even though the termination of an Employee in contravention of the prescribed procedure, compensation instead of reinstatement has been held to meet the ends of justice"*.

28. Thus, the Hon'ble Apex Court in its various series of decisions has consistently held that a relief of reinstatement with full back wages and consequential benefits is not automatic, even if the termination of the Workman is illegal or in contravention of prescribed procedures. I am bound by the precedent laid down by the Hon'ble Apex Court in its aforesaid decisions.

29. In the case in hand, the Workman has neither pleaded nor stated on oath that he is gainfully unemployed since the termination of his services by the Employer w.e.f. 20-08-2007. Consequently, there is absolutely no evidence to prove that the Workman was gainfully unemployed during the intervening period. Hence, the Workman is not entitled to a relief of back wages. The evidence on record indicates that the Workman was appointed without following the provisions of recruitment rules. The evidence on record indicates that the Workman was employed with the Employer Municipality continuously from 22-07-2003 till the date of the termination of his services w.e.f. 20-08-2007. The evidence on record also indicates that there exists ample work of unskilled nature such as a Labourer, Watchman, Security etc. and the Employer has given an advertisement in the daily newspaper "Gomantak Times" (Exb. W/16)

inviting applications from the eligible candidates for filing the vacancies of Gardener, Watchman, Workers etc. after the termination of services of the Workman. Thus, taking into consideration the relevant factors such as age, and other qualifications of the Workman, in my opinion reinstatement of the Workman in the same status as daily rated worker which he was performing at the time of termination of his services will meet the ends of justice.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceed ahead to adjudicate the reference as under:

ORDER

1. It is held that the action of the Mormugao Municipal Council in refusing employment to the Workman, Shri Kumar V. Naik, 'Watchman/Security', with effect from 20-08-2007 is illegal and unjustified.
2. The Mormugao Municipal Council is hereby directed to reinstate the Workman, Shri Kumar Naik, 'Watchman/Security', in the same status as he was working at the time of termination of his services w.e.f. 20-08-2007 alongwith continuity in services with immediate effect.
3. No order as to cost.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2012-LAB/48

The following award passed by the Labour Court-II, at Panaji-Goa on 08-12-2011 in reference No. IT/44/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).

Porvorim, 10th January, 2012.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. Ref. IT/44/07

Shri Dattaram Mandrekar,
H. No. 33, Sanquelim,
Maulinguemtad,
Sanquelim-Goa.

... Workman/Party I

V/s

Cine Radhakrishna,
Sanquelim-Goa.

... Employer/Party II

Workman/Party I represented by Shri P. Gaonkar.

Employer/Party II represented by Adv. Shri P. Chawdikar.

Panaji, Dated 08-12-2011

AWARD

1. In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa, by Order dated 22-08-2007 bearing No. 28/56/2006-LAB/903, referred the following dispute for adjudication by the Industrial Tribunal of Goa.

- "(1) *Whether the action of the Management of M/s. Cine Radhakrishna in terminating the services of Shri Dattaram Yeshwant Mandrekar, Cinema Operator, with effect from 10-01-2005, is legal and justified?*
- (2) *If not, to what relief, the Workman is entitled?"*

2. On receipt of the reference, a case was registered under No. IT/44/07 and registered A/D notice was issued to the parties. In pursuance to the said notice, the parties put in their appearance. The Workman/Party I (for short 'Workman'), filed his statement of claim on 29-11-2007 at Exb. 6. The facts of the case in brief as pleaded by the Workman are that he was employed as "Cinema Operator" in the Employer's Theatre situated at Gokulwadi, Sanquelim-Goa since the year 1970 on a monthly salary of ` 2,288/-. He stated that he was performing his duties at "Cinema Operator" continuously throughout the year. He stated that he was refused employment suddenly w.e.f. 10-01-2005 by the Employer without assigning any reasons. He stated that at the time of termination of services he was not paid his legal dues for 35 years of his continuous

service with the Employer. He stated that he therefore raised a dispute before the Assistant Labour Commissioner & Conciliation Officer, Mapusa vide his letter dated 119-01-2005 pertaining to his refusal of employment and for failure to provide him the terminal benefit such as bonus, sick leave, overtime etc. which ended in failure due to adamant and rigid stand taken by the Employer.

3. The Workman submitted that the refusal of employment to him is illegal, bad-in-law and in contravention of Sec. 25-F of the I. D. Act, 1947. He contended that termination of his service is in violation of principles of natural justice. He contended that neither he was issued any memo, show cause notice etc. nor conducted any enquiry before termination of his services. He contended that the Employer has appointed new person in his place after termination of his services. He contended that his family was totally dependent on his income. He therefore prayed that the action of the Employer in refusing employment to him w.e.f. 10-01-2005 be declared as illegal, unjustified and the Employer be directed to reinstate him in its services with full back wages and continuity in service. The Workman also prayed that the Employer be directed to pay his terminal benefits such as gratuity, retrenchment benefits, bonus, leave salary etc.

4. The Employer filed its written statement on 28-03-2008 at Exb. 12. The Employer resisted the claim of the Workman preliminary on the ground that this Court has no jurisdiction to entertain the present reference as the appropriate forum for the adjudication of the present dispute is the authority under the G.D.D. Shops & Establishments Act, 1973. The Employer submitted that it is not an "Industry" as defined u/s 2 (j) of the I. D. Act, 1947 and hence the present reference is not maintainable. The Employer also submitted that the Workman abandoned the services of his own and that it has never terminated the services of the Workman and hence the reference is based on the assumption that there is a termination of services of the Workman is therefore null and void.

The Employer stated that it is engaged in the business of 'Cinema Theatre' and is registered under the Goa Shops & Establishments Act, 1973. The Employer stated that the Workman of his own started remaining absent from his duties w.e.f. 03-01-2005 for the reasons best known to him. The Employer stated that though it had instructed the Workman to report for his duties, he has not shown any willingness to report for his duties. The Employer stated that the Workman was appointed

by them w.e.f. 16-08-1987 in the pay scale of ` 572 & his last drawn salary was ` 2,288/-. The Employer stated that the Workman was in a habit of remaining absent apart from enjoying the holidays. The Employer stated that it has however did not take any disciplinary action against the Workman or deducted any amounts from his salary on the humanitarian ground. The Employer stated that it has suffered huge loss and inconvenience on account of abandonment of services by the Workman without any intimation. The Employer denied the overall case of the Workman and prayed for dismissal of present order of reference issued by the Government of Goa.

5. Thereafter, the Workman filed his re-joinder on 04-07-2008 at Exb. 14. The Workman by way of re-joinder confirms and reiterates all his submissions, averments and statements made in his claim statement to be correct and proved and denied all the statements, averments and submissions made by the Employer in its written statement which are contrary to his statement and averments made in his claim statement.

6. Thereafter on the basis of the pleadings filed by the respective parties this Court framed the following issues at Exb. 17.

1. *Whether the Employer/Party II proves that this Court has no jurisdiction to entertain the present case?*
2. *Whether the Workman/Party I proves that the action of Management of the Employer/Party II in terminating his services w.e.f. 10-01-2005 is illegal and unjustified?*
3. *Whether the Employer/Party II proves that it is not an "Industry" as defined u/s 2(j) of the Industrial Disputes Act, 1947?*
4. *Whether the Workman/Party I proves that he is entitled for any relief?*
5. *What Award?*

7. Thereafter both the parties lead their oral as well as documentary evidence respectively by examining the witnesses and the case was fixed for final arguments on 21-10-2011. On 21-10-2011 Ld. Representative Shri P. Gaonkar for the Workman as well as Ld. Adv. Shri P. Chawdikar for the Employer appeared before me and orally submitted that the matter is likely to be settled amicably between the parties and sought time. Accordingly, on 24-11-11 both the parties alongwith their respective Representative appeared before me and filed a joint application for award in terms of settlement, which is on record at Exb. 30.

I have carefully perused the said terms of settlements at Exb. 30. In the said application at Exb. 30, the parties have stated that they have agreed to settle the dispute amicably on payment lumpsum amount of ` 65,000/- (Rupees sixty five thousand only) to the Workman in full and final settlement of all his legal dues and that the Workman shall have no claim of whatsoever nature including his claim of reinstatement against the Employer and requested to pass no dispute award. The said terms of settlement are beneficial to both the parties and hence I accepted the same. Since, the dispute under present reference is settled between the parties, it is held that the dispute in present reference does not survive.

Hence, I pass the following Order.

ORDER

1. It is held that the dispute as to "whether the action of the Management of M/s. Cine Radhakrishna, in terminating the services of Shri Dattaram Yeshawant Mandrekar, Cinema Operator, with effect from 10-01-2005, is legal and justified?" does not survive, in view of the settlement arrived at between the parties as per application dated 16-11-2011 at Exb. 30.
2. It is held that the dispute as to whether "the Workman Shri Dattaram Yeshawant Mandrekar is entitled to any relief" also does not survive.
3. No order as to costs.
4. Inform the Government accordingly.

Sd/-
(Suresh N. Narulkar),
Presiding Officer,
Labour Court-II.

Inspectorate of Factories & Boilers
Institute of Safety, Occupational Health and
Environment

Notice

No. IFB/BAE/2012

The Board of Examiners under the Goa Boiler Attendant's (Second Amendment) Rules, 2010 declare the following candidates to have passed in the examination conducted on 10th and 11th January, 2012, for certificate of Competency of Boiler Attendant of class mentioned in Column 3 of the Schedule below against their respective names:

Sr. No.	Name of the Candidates	Examination
1	2	3
1.	Shri Rupesh Ganapat Gosavi	Second Class Boiler Attendant.
2.	Shri Amol Narayan Morajkar	Second Class Boiler Attendant.
3.	Shri V. Pochaiah	Second Class Boiler Attendant.
4.	Shri Jnanamaya Basu	Second Class Boiler Attendant.
5.	Shri Karu Tadu	Second Class Boiler Attendant.
6.	Shri Bikash Kumar Jena	Second Class Boiler Attendant.
7.	Shri Vijesh Vijay Naik	Second Class Boiler Attendant.
8.	Shri Dhabali Kumar Rout	Second Class Boiler Attendant.
9.	Shri Manoranjan Mahanta	Second Class Boiler Attendant.
10.	Shri Naresh R. Kunkalkar	First Class Boiler Attendant.
11.	Shri Abubakar H. Nadaf	First Class Boiler Attendant.
12.	Shri Prashant V. Madkaikar	First Class Boiler Attendant.
13.	Shri Navso Bhalchandra Naik	First Class Boiler Attendant.
14.	Shri Ajit Ramchandra Zarekar	First Class Boiler Attendant.
15.	Shri Krishnanath S. Divkar	First Class Boiler Attendant.
16.	Shri Aditya Ramesh Bhosle	First Class Boiler Attendant.

R. T. Korgaonkar, Secretary Board of Examiners under the Goa Boiler Attendants (Second Amendment) Rules, 2010.

Panaji, 16th January, 2012.

Department of Panchayati Raj and
Community Development
Directorate of Panchayats

Notification

No. 19/35/DP/BYE-ELN/PF/11

In pursuance of sub-section (8) of Section 7 of the Goa Panchayati Raj Act, 1994 (Goa Act 14 of

1994), read with rule 58 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, it is hereby notified for the information of the public that the person specified in column No. 3 of the Scheduled appended hereto have been duly elected as member of the Panchayat mentioned in the corresponding entry in column No. 2 from the ward shown against the name in column No. 4 of the said Schedule in the bye-election held on 8-01-2012.

SCHEDULE

Sr. No.	Name of the Village Panchayat/Block	Name and address of the elected member	Ward No. Reservation
1	2	3	4
01.	V. P. Assonora, Bardez-Goa	Shri Francisvo Jerone Vaz, H. No. 336, Madlo Vaddo, Assonora, Bardez-Goa	VIII
2.	V. P. Nachinola, Bardez-Goa	Shri Mahendranath Kashinath Gawas, H. No. 452, Vaigin Waddo, Nachinola, Bardez-Goa	V
3.	V. P. Reis-Magos, Bardez-Goa	Shri Rajesh Avinash Bhonsle, H. No. B-65/A, Betim, Bardez-Goa (Elected un-opposed)	XI
4.	V. P. Cotigao, Canacona-Goa	Shri Prabhakar Sonu Velip, H. No. 18, Avem, Cotigao, Canacona-Goa	IV
5.	V. P. Chandel-Hassapur, Pernem-Goa	Sheetal Ramchandra Harijan, H. No. 284, Harijanwada, Chandel-Hassapur, Pernem-Goa (Elected un-opposed)	I Women
6.	V. P. Dhargal, Pernem-Goa	Diptisha Darshan Naroji, Oshalbag, Dhargal, Pernem-Goa	I OBC Women
7.	V. P. Ibrampur, Hankane, Pernem-Goa	Shri Devidas Tukaram Pawar, H. No. 137, Harijanwada, Ibrampur-Hankane, Pernem-Goa (Elected un-opposed)	IV

1	2	3	4
8.	V. P. Varkhand Nagzar, Pernem-Goa	Shri Sanjay Narayan Tulaskar, H. No. 47, Tulaskarwadi, Varkhand, Nagzar, Pernem-Goa	III
9.	V. P. Virnoda, Pernem-Goa	Smt. Shruti Shankar Parab, H. No. 107, Madhalawada, Virnoda, Pernem-Goa	III
10.	V. P. Carmona, Salcete-Goa	Shri Carlos P. Xavier George, H. No. 319/2, Georgewado, Carmona, Salcete-Goa	V
11.	V. P. Davorlim-Dicarpale, Salcete-Goa	Shri Paula Sebastiao Miranda, H. No. 35/1/C, Tolleband, Davorlim, Salcete-Goa	IV
12.	V. P. Dongurli-Thane, Satari-Goa	Shri Soma Krishna Gawas, H. No. 59, Charaunem, Thane, Satari-Goa	V
13.	V. P. Mauxi, Satari-Goa	Shri Suryakant Kusta Desai, H. No. 29, Desaiwada, Mauxi, Satari-Goa	V
14.	V. P. Siridao-Pale, Tiswadi-Goa	Shri Bhupesh Raghuvir Shirodkar, H. No. 528, Pale-Siridao, Tiswadi-Goa	V

By order and in the name of the Governor of Goa.

Menino D'Souza, Director ex officio Joint Secretary (Panchayats).

Panaji, 12th January, 2012.



Department of Personnel

—
Order

No. 6/78/2011-PER

The Governor of Goa is pleased to order the transfer and posting of the following Junior Scale Officers of Goa Civil Service/Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies, for their appointment as RO/AERO, with immediate effect:

Sr. No.	Name of the Officers	Present posting	Transferred as	1	2	3	4
1	2	3	4				
1.	Shri Damodar S. Morajkar	Chief Officer, Mapusa Municipal Council	SLAO, Tillari Irrigation Corporation, Colvale.	12.	Shri Surendra F. Naik	Under Secretary, Finance (Exp.)	Deputy Collector (LA), South, Margao.
2.	Shri Narayan M. Gad	Under Secretary (Home-I)	Chief Officer, Mapusa Municipal Council.	13.	Shri R. K. Satardekar	Regional Director, ICCR (Goa Region)	Deputy Director of Panchayats, South, Margao.
3.	Shri Devidas S. Gaonkar	Assistant Commissioner of Commercial Taxes, Panaji	Additional Deputy Collector (Rent Control), Mapusa.	14.	Shri Parag Nagarcekar	Under Secretary (Revenue-I)	Chief Officer, Cuncolim Municipal Council.
4.	Shri Sanjeev C. Gauns Dessai	Assistant Commissioner of Excise-I, Panaji	Administrator of Comunidade, North Zone, Mapusa.	15.	Shri Pravin M. S. Barad	Deputy Director (Panchayats), South, Margao	Chief Officer, Quepem Municipal Council.
5.	Shri Snehal P. Naik Goltekar	Assistant Commissioner of Commercial Taxes	Assistant Commissioner of Excise-I, Panaji	16.	Shri Shivaji B. Dessai	Chief Officer, Cuncolim Municipal Council	Chief Officer, Curchorem-Cacora Municipal Council.
6.	Smt. Meghana V. Shetgaonkar	Deputy Director (Admn.), Directorate of Agriculture	Deputy Director (Admn.), Directorate of Agriculture.	17.	Smt. Sandhya S. Kamat	Deputy Collector (DRO), South, Margao	Deputy Collector & SDO, Quepem.
7.	Smt. Siddhi T. Halarnkar	Deputy Director (Admn.), Water Resources Department	Deputy Director (Admn.), Directorate of Women & Child Development.	18.	Smt. Anju S. Kerkar	Joint Mamlatdar-II, Pernem	Joint Mamlatdar-I, Bardez.
8.	Shri Anthony J. D'Souza	Deputy Collector (LA), North, Panaji	Forest Settlement Officer, Valpoi.	19.	Smt. Trupti Manerker	Joint Mamlatdar, Satari	Joint Mamlatdar-III, Bardez.
9.	Shri R. D. Mirajkar	Deputy Collector & SDM, Quepem	Deputy Registrar, Goa College of Engineering, Farmagudi, Ponda.	20.	Smt. Neetal P. Amonkar	Joint Mamlatdar-III, Bardez	Joint Mamlatdar-I, Satari.
10.	Shri Deepak M. Bandekar	Assistant Director of Mines & Geology	Chief Officer, Ponda Municipal Council.	21.	Shri Pravin H. Parab	Mamlatdar, Quepem	Mamlatdar, Ponda.
11.	Shri Prashant Shirodkar	Chief Officer, Quepem Municipal Council	Deputy Collector (DRO), South, Margao.	22.	Shri Joao Fernandes	Joint Mamlatdar-II, Salcete	Joint Mamlatdar-III, Ponda.
				23.	Smt. Varsha Mandrekar	Joint Mamlatdar-I, Quepem	Joint Mamlatdar-I, Mormugao.
				24.	Smt. Sangeeta S. Naik	Joint Mamlatdar-III, Ponda	Joint Mamlatdar-II, Salcete.
				25.	Shri Rajesh Azgaonkar	Joint Mamlatdar-I, Canacona	Joint Mamlatdar-III, Salcete.
				26.	Shri Amul S. Gaonkar	Mamlatdar, Ponda	Mamlatdar, Quepem.
				27.	Shri Shankar B. Gaonkar	Joint Mamlatdar-I, Sanguem	Joint Mamlatdar-I, Quepem.

Consequently the transfers of the following Officers are effected in pursuance to the above transfer:

Sr. No.	Name of the Officer	Present posting	to be transferred as
1	2	3	4
1.	Smt. Upasana Majgaonkar	SLAO, Tillari Irrigation Corporation, Colvale	Under Secretary (Home-I).
2.	Smt. Catherine Fernandes	Deputy Director (Admn.) Women & Child Development, Panaji	Assistant Commissioner of Commercial Taxes, Panaji.
3.	Shri H. A. Ali	Deputy Registrar, Goa College of Engineering, Farmagudi	Deputy Director (Admn.), Water Resources Department.
4.	Smt. Maya Pednekar	Joint Mamlatdar-I, Mormugao	Joint Mamlatdar-II, Pernem.
5.	Kum. Triveni Paik Velip	Joint Mamlatdar-III, Salcete	Assistant Director of Civil Supplies, Panaji.

Smt. Meena Priolkar, Under Secretary, Finance (Budget-II) shall hold charge of the post of Under Secretary, Finance (Expenditure), in addition to her own duties.

Smt. Neela S. Dharwadkar, Under Secretary (Revenue-II) shall hold charge of the post of Under Secretary (Revenue-I), in addition to her own duties.

Smt. Irene Sequeira, Deputy Director (Admn.), Directorate of Animal Husbandry & Veterinary Services shall hold charge of the post of Administrator of Comunidade, South Zone, Margao, in addition to her own duties.

Shri Vassudev P. Shetye, Deputy Director (Admn.), Forest Department shall hold charge of the post of Deputy Collector (LA), North, in addition to his own duties.

Ms. Linette Ferrao, Assistant Commissioner of Commercial Taxes, shall hold charge of the post of Assistant Commissioner of Commercial Taxes, in addition to her own duties.

Shri Madhu Narvekar, Joint Mamlatdar-I, Salcete, shall hold charge of the post of Joint Mamlatdar-I, Sanguem, in addition to his own duties.

Shri Sudin A. Natu, Mamlatdar, Canacona, shall hold charge of the post of Joint Mamlatdar-I, Canacona, in addition to his own duties.

The above Officers shall continue to draw their salary on the posts presently held by them prior to

their transfer. This transfer order shall be in operation till Model Code of Conduct is in force. They shall report back to their positions after completion of Election process. They shall not avail of joining time.

This issues with the concurrence of the ECI vide their letter No. 437/6/GOA-LA/2012 dated 12-01-2012.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 12th January, 2012.

Corrigendum

No. 6/78/2011-PER

Read: 1. Memorandum No. 6/78/2011-PER dated 12-01-2012.

The transfer of Shri Shankar B. Gaonkar, Joint Mamlatdar-I, Sanguem as Joint Mamlatdar-I, Quepem mentioned at Serial No. 27 in the Order dated 12-01-2012, read above, shall be corrected to read as "Joint Mamlatdar-I, Mormugao."

Consequently, the transfer of Smt. Varsha Mandrekar, Joint Mamlatdar-I, Quepem as Joint Mamlatdar-I, Mormugao mentioned at serial No. 23 in the Order dated 12-01-2012, read above, shall stand cancelled.

This issues with the concurrence of the ECI vide their letter No. 437/6/GOA-LA/2012 dated 12-01-2012.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 13th January, 2012.

Department of Planning

Directorate of Planning Statistics & Evaluation

Corrigendum

No. 4/14/92-PLG/DPSE(Part file)/2349

Read: 1. Order No. 4/14/92-PLG/DPSE(Part file)/1141 dated 18-08-2011.

2. Corrigendum No. 4/14/92-PLG/DPSE (Part file)/1157 dated 19-08-2011.

3. Corrigendum No. 4/14/92-PLG/DPSE
(Part file)/1167 dated 22-08-2011.

The column No. 4, of place of posting against Serial No. 1 in the above referred order and Corrigendum read in preamble shall be corrected to read as "Smt. Antonette L. Fernandes" instead of "Shri N. D. Zuwarkar".

By order and in the name of the Governor of Goa.

Anand Sherkhane, Director & ex officio Joint Secretary (Planning).

Panaji, 12th January, 2012.

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Department of Revenue

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Order

No. 23/4/2010-RD

Whereas, the Government of Goa, vide Notification No. 23-4-2010-RD dated 17-05-2010, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 8 dated 20-05-2010, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of mining Bye-pass road from Uguem to Kapxem (Phase II) Ugem to Santona in Sanguem Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23-4-2010-RD dated 30-05-2011, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 10 dated 09-06-2011, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for the acquisition of the said land.

By order and in the name of the Governor of Goa.

Neela S. Dharwadkar, Under Secretary (Rev-I).

Porvorim, 16th January, 2012.

Order

No. 23/19/2009-RD

Whereas, the Government of Goa, vide Notification No. 23-19-2009-RD dated 01-07-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 16 dated 16-07-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of road to Harijanwada to Mahadev Temple in V. P. Latambarcem in Bicholim Taluka (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23-19-2009-RD dated 03-02-2010, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 47 dated 18-02-2010, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Neela S. Dharwadkar, Under Secretary (Rev-I).

Porvorim, 16th January, 2012.

Order

No. 26/2/98-RD(Part)

Ref.: Order No. 26/2/98-RD(Part) dated 07-06-2011.

1. The Government of Goa is pleased to extend the ad hoc appointment of Shri Damodar V. Pednekar, to the post of Superintendent of Survey and Land Records (Group "B" Gazetted) in the pay scale of ` 9,300-34,800 plus Grade Pay of ` 4,600/- for the period of 03 months with effect from 04-11-2011 to 31st January, 2012 in the Office of the Superintendent of Survey and Land Records, South Goa, Margao.

2. The above appointment shall be for a period of three months or till he is regularized in the GPSC or superannuates, whichever is earlier.

3. The above ad hoc appointment will not bestow the promoted officer any claim for regular appointment and the service rendered on ad hoc basis will not count for the purpose of seniority in that grade for eligibility for promotion to the next higher grade.

By order and in the name of the Governor of Goa.

Neela S. Dharwadkar, Under Secretary (Rev-I)/Link.

Porvorim, 16th January, 2012.

Notification

No. 22/6/2009-RD

Whereas by Government Notification No. 22/6/2009-RD dated 31-08-2010 published on pages 566 to 567 of Series II No. 24 of the Official Gazette, dated 09-09-2010 and in two newspapers (1) "Gomantak Times" dated 02-09-2010 (2) "Navprabha" dated 03-09-2010, it was notified under Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the land specified in the Schedule appended to the said Notification was likely to be needed for the public purpose viz. Land Acquisition for expansion of Interrogated Margao Bus Stand (Additional area).

And whereas, the Government of Goa (hereinafter referred to as "the Government") after considering the report made under sub-section (2) of Section 5-A of the said Act is satisfied that the land specified in the Schedule hereto is needed for the public purpose specified above (hereinafter referred to as "the said land").

Now, therefore, the Government hereby declares, under Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government also appoints, under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Goa State Infrastructure Development Corporation Limited, EDC House, Panaji, Goa to perform the functions of a Collector, South Goa District, Margao, for all proceedings hereinafter to be taken in respect of the said land, and directs him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the Office of the said Special Land Acquisition Officer, Goa State Infrastructure Development Corporation Limited, EDC House, Panaji, Goa, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka: Salcete *City:* Margao

PT. Sheet No./ /Chalta No.	Names of the persons believed to be interested	Approx. area in sq. mts.
1	2	3
73/4	H: Mary Noronha.	2038
72/17 part	H: Soares.	400

Boundaries :

North : PTS 72/17.

South : PTS 42/18, PTS 100/1.

East : Road, 72/15, 20, PTS 73/5,
6, PTS 10, Chalta 20/1, 12, 11,
20/14, 32, 16, 19, 10, 24.

West : Nala, PTS 18/42, PTS 72/17.

Total: 2438

By order and in the name of the Governor of Goa.

Neela S. Dharwadkar, Under Secretary (Rev-I)/Link.

Porvorim, 16th January, 2012.

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